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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by Anti-Slavery International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 December 1999]

GE.00-10512 (E)

1. On 2 December 1999, the International Day for the Abolition of Slavery, the United Nations Secretary-General, Kofi Annan, reminded the international community that this "is not a time for complacency in the fight against slavery, but a time for action". The Secretary-General went on to note that:

> "... there is an urgent need for laws and action to ensure that new forms of exploitation and oppression are not allowed to occur, and that old forms of slavery are eradicated, once and for all. Trafficking and related practices such as debt bondage, forced prostitution and forced labour are violations of the most basic human rights."

2. Anti-Slavery International strongly supports the Secretary-General's comments and his call for action in order to eradicate contemporary forms of slavery, which are still prevalent even as we enter the twenty-first century.

3. Debt bondage, which is also referred to as bonded labour, is a contemporary form of slavery that Anti-Slavery International would particularly wish to draw to the attention of the Commission. Debt bondage is prohibited under article 4 of the Universal Declaration of Human Rights, article 8 of the International Covenant on Civil and Political Rights, and specifically under article 1 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956. International Labour Conventions Nos. 29 and 105 concerning forced labour also prohibit debt bondage.

4. Despite the existence of these international standards, the United Nations Working Group on Contemporary Forms of Slavery recognized in its recommendation 12 adopted last year that some 20 million people are still held in debt bondage around the world and that the issue has not been addressed effectively at the international level (see E/CN.4/Sub.2/1999/17, Chap. IV, sect. B).

5. Debt bondage is still widespread in countries that are signatories to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Debt bondage is even prevalent in countries that have enacted domestic legislation that defines the offence of debt bondage and provides for the punishment of those responsible for using bonded labour.

6. Research carried out by Anti-Slavery International's partner organizations indicates that in countries where debt bondage is particularly widespread, Governments have not made sufficient efforts to identify and release bonded labourers. This research also shows that the number of prosecutions initiated against those responsible for keeping people in debt bondage is extremely low.

7. The fact that this grave human rights violation can still be perpetrated with impunity in countries which have expressly passed domestic legislation to prohibit this practice is clearly a significant factor in explaining why debt bondage continues to affect millions of people around the world today. With this in mind Anti-Slavery International would urge the Commission to focus its attention on resolving this human rights abuse and press Member States to implement resolutions of the fifty-fifth session which are essential if the use of debt bondage is to be eradicated. We would particularly highlight the following recommendations:

(a) That States should ratify the pertinent international instruments which prohibit the use of bonded labour and develop specific legislation to define and outlaw the offence of debt bondage, if they have not already done so. This was called for in the last report of the Working Group on Contemporary Forms of Slavery (E/CN 4/Sub 2/1999/17, see Sub-Commission resolution 1999/17),

(b) That States should be urged to carry out detailed regional surveys to identify and rehabilitate bonded labourers. States should also ensure that those responsible for keeping individuals in debt bondage are charged and prosecuted in accordance with domestic legislation. The importance of combating impunity for the prevention of human rights violations was emphasized in Commission resolution 1999/58 on impunity of perpetrators of violations of economic, social and cultural rights,

(c) That the Secretary-General designate the United Nations High Commissioner for Human Rights as the focal point for the coordination of activities and the dissemination of information in the United Nations system on the suppression of contemporary forms of slavery. This was requested in Commission resolution 1999/46 on contemporary forms of slavery and should help to ensure that slavery issues, such as bonded labour, are mainstreamed throughout the United Nations system.

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Fifty-sixth session
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RIGHTS OF THE CHILD

Written statement submitted by Anti-Slavery International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31

[20 December 1999]

GE.00-10516 (E)

1. The trafficking of children, whereby a child is transported from one place to another for the economic benefit of the trafficker, is a growing international problem.

2. There is already a considerable body of international law which prohibits child trafficking, including the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and of Institutions and Practices Similar to Slavery, the 1989 Convention on the Rights of the Child (art. 35), and the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Article 3 of International Labour Organization (ILO) Convention No. 182 concerning the worst forms of child labour, adopted last year, also prohibits specifically the trafficking of children.

3. The 1999 report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1999/71/Add.1) focused on the trafficking of children in the South-East Asian region. The Special Rapporteur found that all six countries in the South-East Asian peninsula (China, Cambodia, Myanmar, Viet Nam, Thailand and the Lao People's Democratic Republic) have been affected by the trafficking of women and children.

4. Anti-Slavery International has been working with partner agencies in West and Central Africa for two years in order to draw attention to the trafficking of children in the region. As in South-East Asia, children in West and Central Africa are trafficked into several types of economic activity. Studies have shown that children are trafficked from Benin to Gabon to be used as domestic servants, from Mali to Côte d'Ivoire to work on agricultural plantations, from Togo to Gabon, Nigeria, Côte d'Ivoire, Burkina Faso and also, on occasion, to countries in Europe for use as domestic servants, market traders, child beggars and prostitutes.

5. Benin, in an effort to curb the illegal departure of many hundreds of minors from its shores, enacted new legislation in 1995 that regulates the travel of children under the age of 14. However, according to a 1998 report from the Brigade de la Protection de Mineurs (BPM), which is the police unit in Benin concerned with children, more than 800 children were intercepted in Benin during 1997 in the process of being transported abroad to be used as forced labour. More recently, two reports from January and June 1999 refer to the arrest of traffickers in Benin attempting to transport children to Gabon and Nigeria.

6. Anti-Slavery International recently commissioned a report from a partner organization in Benin, Enfants Solidaires d'Afrique et du Monde (ESAM), in order to examine the trafficking of children between Benin and Gabon. The researchers interviewed 138 children who had been trafficked to Gabon. Nearly three quarters of the children were from Benin with the rest coming from Togo. Ninety per cent of the children trafficked were girls who can fulfil a dual role as domestic workers and assistants to market traders.

7. Traffickers promise good money and training in order to persuade the parents to send their children abroad. However, after the children arrive in Gabon neither the child nor their parents are paid for the work they do. The children interviewed in Gabon often told harrowing stories of their journey from Benin to Gabon and many complained of bad working conditions and being deprived of food once they arrived. Over half of the children interviewed said that they had been beaten by their employers.

8 Even where children are rescued from these conditions, they are likely to encounter feelings of alienation from their own families and cultures and must undergo a long and difficult task of reintegration

9 Anti-Slavery believes the evidence gathered by its partners in West Africa and by the Special Rapporteur in South-East Asia are examples of a pattern of trafficking which is affecting children in many countries around the world and that there is an urgent need for concerted international action to address this grave human rights violation With this in mind, Anti-Slavery International would urge the Commission to press Member States to implement resolutions from the fifty-fifth session which are essential if the trafficking of children is to be halted We would particularly highlight the following recommendations

(a) That States should take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of, or the traffic of children for any purpose or in any form, while ensuring that the child victims are not penalized for such practices, as called for in Commission resolution 1999/80 on the rights of the child,

(b) That States should criminalize effectively and ensure the prosecution of offenders, whether local or foreign, by the competent national authorities, either in the offender's country of origin or in the destination country, in accordance with due process of law, as called for in Commission resolution 1999/80,

(c) That there should be improved cooperation between national and international law enforcement agencies, and in particular the International Criminal Police Organization (INTERPOL), responsible for detecting and intercepting child traffickers, as well as tracing the families of the trafficked children Child victims of trafficking should be fully protected and not treated as illegal immigrants, as called for in the report of the United Nations Working Group on Contemporary Forms of Slavery (Sub-Commission resolution 1999/17),

(d) Governments should conclude bilateral, subregional, regional and international agreements to address the problem of trafficking and to take appropriate steps to address the root causes that encourage trafficking, as called for in Commission resolution 1999/40 on traffic in women and girls,

(e) That all States that have not already done so should ratify existing international human rights and labour standards which prohibit the sale and trafficking of children, including the new ILO Convention No 182 on the worst forms of child labour

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Items 3 and 9 of the provisional agenda

ORGANIZATION OF THE WORK OF THE SESSION

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD

Written statement*/ submitted by Franciscans International,
a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 December 1999]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

For more than 10 years the Commission for Human Rights of the United Nations has been concerned about the situation of human rights in Colombia, showing constant concern, where they have judged that this country presents a picture of "grave, persistent and systematic violations of human rights."

Different organs of the UN system have reported on a scope of the problems in Colombia: the Working Group on Enforced Disappearances; the Special Reporter of Extra-Judicial, Summary and Arbitrary Executions; a Special Reporter on Torture; the Special Representative of the Secretary General on the Question of Internal Displacement, as well as the Working Group on Arbitrary Detentions. Recently, the UN Commission on Human Rights has also documented the situation in its most recent sessions in 1998 and 1999.

As a result, the Colombian government has received a series of many recommendations, which include the need to adopt urgent measures to guarantee the functioning of a system of justice that respects the rights and guarantees of process; to dismantle paramilitary groups; to address impunity; and to develop a climate of respect for human rights. In spite of the fact that eleven years have passed since these recommendations were first formulated, the same have not been implemented, leading to a situation that aggravates and deepens the crisis of human rights.

The political violence has continued to deteriorate. The State has been responsible for 78% of those acts (73% of them correspond to actions carried out by paramilitary groups that have acted with the support, tolerance, permission or coordination of agents of the State; with the remaining 5% identified as direct actions of the armed forces.) The remaining 22% of these actions are committed by the guerilla.

During 1999 the situation of human rights and humanitarian rights continued to deteriorate. The degradation of the armed conflict has become very evident. The basic distinction between combatants and the civil population has been left aside by the armed actors, who with the purpose of gaining or recovering lost territories, have regarded the residents of these zones to be members or helpers of the opposition. There is use of means and methods of war with indiscriminate capability, such as bombings and machine-gunning from the air on the part of the Armed forces (Santo Domingo Arauca, Dec. 131998. 18 persons killed including 7 minors); methods of guerilla assaults on the populations (Nariño, Antioquia, July 30, 1999. 8 civilians killed); and massive and indiscriminate retentions by the insurgent groups.

THE FREE AND OPEN ACTION OF THE PARAMILITARY GROUPS

The organs of the United Nations have repeatedly asked for the adoption of the means to eradicate the paramilitary groups, as well as the separation of the work of the personnel of the armed forces who are involved with the formation and support of these criminal structures. In spite of the intense calling of attention in this sense, the adoption of effective measures to combat the paramilitary groups and eliminate all types of relationships with the members of the armed forces has been nonexistent or null and void. On the contrary, the strict relationships of coordination, collaboration, tolerance and acquiescence of the authorities with these groups has increased, becoming more open and more public.

One situation that exemplifies this is what happened on August 21, 1999, at 8:45 p.m., where members of a paramilitary group, numbering approximately 150 men, freely entered the district of La Gabarra (Tibu), causing the death of 29 persons. In this event it is a particular concern to observe how "the check point of the National Army that usually occurs at the entrance to the town - on the road to Tibú - was taken away at 8:00 p.m. on Saturday, August 21, and the troops that patrolled the streets of the town had retired to the military base that same day at 8:10 p.m. which facilitated the committing of this crime.

The present Colombian government has announced the formation of specialized groups within the armed forces to neutralize the action of the paramilitary groups, as well as to isolate members of the armed forces who maintain connections with the paramilitaries. Although several months have passed since these public announcements, the existence, functioning, and operation of these special groups, remains unknown, and even less is known about the isolation of certain members of the military administration or police personnel.

METHODS AGAINST IMPUNITY

In contradiction with established policy in different international instruments of human rights, as well as decisions of the Constitutional Court, grave violations of human rights had continued to be the object of information on the part of the Penal Military Justice. In the environment of Ordinary Justice there are no significant advances to be observed, which has permitted impunity to rule in approximately 100% of the cases. The methods and techniques of investigation continue to revolve around the testimonies of the victims or their families, who, in many opportunities are subject to improper/illegal pressure, and who pretend to obligate them to testify, without clear guarantees for their life and their personal integrity.

In the month of June, 1999, the Congress of the Republic approved the new Penal Military Code, a measure that was recommended in the past by various organs of the universal system of human rights. Nevertheless, the form in which it was approved, and its content, did not respect nor consult the different recommendations and instruments of the international law of human rights. Thus, it makes it possible that grave infractions of human rights can become the object of information of the Penal Military Justice, and permit that the functions of investigation and judgment can be assumed by personnel active in the armed forces, among other aspects.

Additionally, the same article stated that this Code would begin to be enforced one year after its promulgation, on the condition that a statutory law defining the structure of the Administration of the Penal Military Justice would also be in force.With this condition, the approved Code was converted into an instrument that had no possibility of a real application, given that up to this moment, there does not even exist a proposal for this statutory law.

Also, during 1999 a law addressing genocide, forced disappearance, forced displacement and torture was approved that does not take into account international law of human rights, which, in the case of forced displacement leaves a wide margin of interpretation that permits the armed forces to give validity and legality to forced displacements.

THE TREATMENT OF FORCED DISPLACEMENT

During the first half of 1999 there was in increase of 124,000 persons, leading to an approximate total of 1,800,000 persons, who were victims of forced displacement. On 10 November 1999 Document 3057 of CONPES was released describing governmental policy of attention to the forcibly displaced. It is of particular concern to observe how the problem of displacement is minimized in this document, when on one hand, it identifies that the affected population has increased by 400,000 persons with 139 towns being affected, that is, approximately 10% of the national territory, while on the other hand, it states that it is a public and evident fact that the number of expelling departments has increased.

Additionally, the attention of the government has been concentrated on providing emergency assistance that is characterized by a wide dispersion in responsibilities at higher levels of authority, the absence of a process of organization and practically no participation of the displaced population. The tendency is not to define the mechanisms, criteria, and policies where the goods and services administered according to the needs, or the different ethnic and cultural realities. The criteria that have been used in the government's provisional

attention to the emergency have been used as mechanisms to force premature returns that are contrary to the principles of a voluntary and secure return established in the UN Guiding Principles on Internal Displacement.

The gravity of the situation is gathered by the Office of UNHCHR: "In terms of basic necessities, there have been reported cases of a moderate state of malnutrition, and in some cases, of severe malnutrition, among the displaced population, particularly within vulnerable groups. More than this, the lack of housing is generalized. 80% of the displaced population does not have access to basic medical services, and 95% of the displaced women do not receive any medical attention during pregnancy. One recent study about rights of occupancy on the earth for displaced persons concluded that before the displacement, 43% of those interviewed, had rights to their land, while after displacement, 95% had abandoned their lands and had no idea about what was happening to their lands." (Operational Plan of UNHCHR for the Forced Displacement in Colombia, 1999. Page 5.)

At the same time the right of a guarantee of a return in conditions of safety has been systematically unrecognized. For example, in relation to the inhabitants of the South of Bolivar and the Valley of Cimitarra, those who, in the month of August, 1998, after an agreement signed by the President of the Republic, returned to their places of origin, and from what has happened up to this date, more than 260 persons have been the victims of attacks against their lives and their personal integrity. Add to this, on November 28th, 1999, one of the voices of the exodus, Edgar Quiroga, disappearaed in the company of Gildardo Guentes in the town of San Pablo (Bolivar), in a joint action of members of the 5th Brigade of the Army and paramilitary groups.

SITUATION OF THE DEFENDERS OF HUMAN RIGHTS

Attacks against social activists, union leaders and defenders of human rights continue at alarming levels. During 1999 six defenders of human rights were kidnapped by paramilitary groups that continue to attack with the overt support of members of the armed forces. At the same time, various defenders have suffered attempts in which they have lost their lives. These include Everardo Puerta and Julio Gonzalez, members of the Committee of Solidarity with Political Prisioners, as well as Gustavo Marulanda, a member of the Committee of Human Rights of the University of Antioquia.

Various human rights defenders and union leaders are deprived of liberty because of the regional justice system where there is an absence of guarantees, independence and impartiality of the investigators and judges that is worsened by the amount of intrusion and direction that is maintained by the actions of the judicial members of the armed forces.

Although there exists a presidential directive which recognizes the legality, the necessity, and the legitimacy of the work developed by NGO's, high officials of the armed forces continue their public statements that insist that these agencies are infiltrated by the subversives, or work at the service of the subversion.

To analyze the repeated lack of implementation of the recommendations of the organs of the United Nations, as well as the gravity of the situation of human rights in Colombia, it is necessary to conclude that it is now imperative to adopt immediate and urgent measures that will limit the spiral of grave violations to human rights.

It is necessary that the Office of the High Commissioner present more than an analysis report of the situation and that it demonstrate in a ways its deep concerns for the crises of human rights in Colombia and for the repaeted lack of implementation of its recommendations by the Colombian government.
We recommend that the UN Office of the High Commissioner for Human Rights in Colombia be strengthened with an increase of personnel and financial resources.

We also recommend the appointment of a SPECIAL REPORTER for Colombia who will supervise the situation of human rights and present periodic reports to the Commission of Human Rights.

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INDIGENOUS ISSUES

Written statement submitted by Franciscans International, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 December 1999]

GE.00-10552 (E)

Franciscans in action: the Philippines

1. The human rights situation in the Philippines is neither widely known nor well understood. Nevertheless, violations do exist. Since the Magellan conquest, indigenous Filipino communities have struggled to survive. For centuries, communities like the Agtas, the Aitas, the Subanems and the Mamgyans have been forced to integrate, and therefore to deny their culture and heritage. In recent years, the situation has become increasingly problematic, as the indigenous are now internally displaced persons. Indigenous Filipino communities are increasingly being uprooted from their homes by miners, loggers, land grabbers and corporations. The denial of home and land strips these people of their dignity and much of what they consider sacred.

2. The indigenous people consider the earth to be the most sacred and holy of God's creations. It does not belong to the people, but to God. Humankind does not control it, but rather is controlled by it. It guides the daily activities of the indigenous people. They are born of the earth, nurture it throughout their lives, and return to it upon death. Although they contend that they have no ownership of earth, their removal from it desecrates their faith, denies them a purpose and deprives them of their ancestral domain.

3. The Franciscan Movement for Justice, Peace and Integrity of Creation (FMJPIC), an Inter-Franciscan group, is greatly troubled by this situation. As it reflected on the Jubilee Celebration and its relevance to the indigenous, it decided it would be appropriate to make indigenous issues its priority during the Jubilee year. The indigenous situation speaks directly to the Jubilee, a Judeo-Christian tradition rooted in Leviticus 25 and proclaimed by Jesus in Luke 4. The five major tenets of the Jubilee are: "leaving the land to fallow" or resting the earth so to replenish its resources; forgiving all debtors; freeing the slaves, the prisoners and the oppressed, restoring justice, returning the land and redistributing wealth; and reflecting and celebrating the work of the Holy Spirit as a means of stimulating hope in the world. The five themes of the Jubilee speak to all people, but particularly to the indigenous, especially in terms of replenishing the earth, returning the land and reflecting and celebrating the role of the Spirit.

4. The Franciscan sisters and brothers began to focus on indigenous issues at their FMJPIC annual conference, which took a different approach than those held in the past. As indigenous issues were the priority of the year, the Franciscans decided to host the conference in a mountainous Agta village rather than in a traditional religious retreat house. This was an innovative but challenging task, knowing that if they truly wanted to be in solidarity with the people, they would have to challenge the traditional teaching methods within their own community. They hoped to visit the community and use the time there to learn more about their own Franciscan charisma through the insights and lives of the people. The Franciscan family hoped to learn from the Agta people's reverence for mother earth, prayerful, sacred and simplistic lifestyles and holistic conception of the human person. They understood that if they were to be true to their commitment to learning from the indigenous, it would be necessary to reflect in the midst of them. Also, they had to actively involve the Agta community in their reflections so they would not only be the objects of the reflection, but participants as well.

5. As can be expected, the organization of this conference was dramatically different from those held in previous years. On average, FMJPIC spends 20,000 pesos per conference for the rental of a religious retreat house. Often the participants at the conferences come from the meetings personally renewed and newly aware, but with little tangible or lasting evidence to show for their gathering. The Agta conference challenged this trend and provided new opportunities for creating more lasting outcomes. With the 20,000 pesos normally spent on a retreat house, the Franciscans decided to make a donation to the Agta people so that they could construct a building. The conference coordinators met with the community leaders, explained that they needed a meeting place for their conference and that they would provide money and materials for the community to construct a building that would serve the needs of the community after the conference. The purpose, location and size of the building were left completely to the village. After careful consideration, the Agta people decided that they would build a learning/community centre designed to be conducive to the learning styles of their people. The structure was built in just two weeks because the entire village was involved in its construction.

6. Once the centre was built, the Franciscans travelled to the Agta village. Each Franciscan stayed with a family, but all meals, meetings and reflections were held in the new centre. The brothers and sisters opened dialogue with the community by sharing all of their meals with them. They also invited community members to become full participants in the conference. Hosting all meals, meetings, activities and reflections in Tagalog - the primary language of the Philippines - facilitated this process.

7. The Agta participation was crucial to the conference's success. They shared their life experiences and challenged the Franciscans to be true to the charisma that guides them. The Agta people had a profound impact on the group-sharing process. During this part of the conference, each Franciscan was asked to read a written statement that articulated his faith experience and his experiences with the indigenous. The Agta participants were asked to listen to these testimonies, and then to challenge and affirm the presenters. The Agta participants pointed out all inconsistencies in the Franciscan reflections and pushed them to be more true to their statements and their Franciscan charisma.

8. The Agta conference proved to be extremely successful. Not only were the Franciscans able to learn, pray and reflect more on the lived experience of the indigenous Filipino populations, but it also was able to leave a tangible mark behind. The Franciscans fully immersed themselves in the indigenous community, and allowed themselves to become the objects of indigenous teaching. It was a time for true solidarity as both communities, the Agta people and the Franciscans, came out of the experience having given and receiving something. The Franciscans came out with a new consciousness and a new commitment to their charisma, and the Agta community came out of it with a new learning/community centre.

9. Discussions within the international community about the right to development and the rights of indigenous people can often cause sparks, heat and lots of smoke. Lost in some of the arguments are the deepest needs of some people and the good intentions of others to learn and to be helpful. Is it realistic to expect that the needs of two completely different groups can complement and enhance each other? If one benefits we presume that the other must pay the price. How can two very different groups benefit from the same programme? Some Franciscan brothers and sisters in the Philippines recently profited from a programme that they shared with the Agta people who live in a mountainous region of Luzon. With consultation, planning and creativity the Franciscans and the Agta both benefited from a conference that was economical, enriching, and that provided them with long-term practical results.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Joint written statement submitted by Franciscans International, a non-governmental organization in general consultative status, and Pax Christi International, International Catholic Peace Movement and Maryknoll Fathers and Brothers, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 December 1999]

GE.00-10556 (E)

Violations of human rights by Latin American military personnel trained at the United States army School of the Americas at Fort Benning, Georgia

1. The United States army School of the Americas (SOA), located at Fort Benning, Georgia, is a military educational institution that has trained more than 57,000 officers, cadets, non-commissioned officers (NCOs) and civilians from Latin America and the United States over the past 50 years. According to the United States Department of State, the training provided by SOA is intended to be a long-term investment in a positive relationship with Latin America. Today's school is derived from several predecessor institutions, beginning with a 1946 army school established primarily to provide technical instruction to United States personnel, with limited training for Latin Americans.

2. Courses at SOA are taught by United States and Latin American military personnel and some civilian instructors. The Latin American instructors are nominated by their Governments and are subject to United States approval.

3. Critics of SOA, including citizens of the United States, members of the United States Congress, religious leaders around the world, labour leaders and human rights organizations, claim that the repeated involvement of SOA graduates in the violation of human rights implicates the school, making it co-responsible for such violations throughout the hemisphere and that therefore, the school should be closed.

4. The organizations presenting this statement to the United Nations Commission on Human Rights work in countries where graduates of SOA have repeatedly violated basic human rights. We have witnessed the brutality and aided the survivors. We believe that the connections between the school and human rights violations are not incidental.

5. Despite a recent United States law that requires the vetting of applicants to SOA for previous involvement in human rights violations and the addition of some human rights courses at the School, efforts at reform cannot erase the extremely negative impact of SOA training over the past 30 years and have not effectively prevented SOA graduates from violating human rights.

6. Of 33 courses in the SOA catalogue, only 5 are related to human rights, democracy or humanitarian issues, and less than 10 per cent of the students took these courses in 1998. Furthermore, although SOA has made much of its new Human Rights Train-the-Trainer course, no student attended the course in 1997 or 1998, and none was projected to do so in 1999. The majority of courses taught at SOA are standard military fare, including Cadet Combined Arms Operations, Military Intelligence and Psychological Operations. Recent figures show that over 3,300 Latin American troops took basic combat training at SOA, while in the same year 25 took Counter-Mine Operations and 28 took Democratic Sustainment. Despite its self-description as a school for democracy, SOA remains primarily a military combat school.

7. Documented connections between SOA and notorious, egregious and sustained human rights abuses, a number of them recent, include the following examples.

Colombia

8. Fifty per cent (124 out of 247) of the military officials named as human rights violators in *State Terror in Colombia* (1992) were SOA graduates. Some of the architects of the paramilitary-military collaboration that is fuelling much of the violence today were SOA graduates.

9. On 27 October 1997, SOA-trained soldiers murdered the president of the Colombian electrical workers' union. That same day, other SOA trainees abducted workers at Colombia's State-run oil company. Just a month later, on 26 November in Medellin, they assassinated the secretary of the Colombian construction union (Amnesty International).

10. On 13 May 1998, the army's Fifth Division carried out an illegal raid on the offices of the human rights organization, Justice and Peace. During the course of the raid, the security forces at least partially copied a database of over 40,000 human rights cases. Fellow officers have stated that SOA graduate Brigadier General Rito Alejo del Rio ordered the raid. This same officer had links to paramilitary groups that were allowed to operate freely in some areas that were under military control (1998 United States State Department Report on Human Rights in Colombia).

11. In May 1998, the Colombian army formally disbanded the 20th Brigade (Military Intelligence) for its involvement in human rights abuses, including the targeted killings of civilians. The commander of the Brigade at the time was SOA graduate Paucelino Latorre Gamboa. SOA graduate General Yanine Diaz "was accused of implementing a strategy to have paramilitary groups carry out counter-guerrilla activities that the army was prohibited from doing. Despite the Government's attempts to bring him to justice in the civilian court system, the military prevailed, continuing the tradition of impunity for all but the lowest-ranking members of the security forces" (ibid.).

Guatemala

12. The full report of the Historical Clarification Commission (CEH) in Guatemala singled out SOA for its counter-insurgency training that "had a significant bearing on human rights violations during the armed conflict ... By identifying all opponents as adversaries, the National Security Doctrine [taught at the SOA] helped to broaden the definition of counter-insurgency and to spread techniques of persecution ... within a growing atmosphere of State terror" (Historical Clarification Report, February 1999).

13. A separate 1998 human rights report released by the Guatemala Archdiocese Human Rights Office also linked SOA to the civilian-targeted genocide campaign. Unlike the Historical Clarification Commission, which was limited by a Peace Accord agreement, the Archdiocese document, *Guatemala: Never Again*, named specific military officers responsible for atrocities. The 1998 document cited SOA graduates for some of the most notorious human rights violations, including the murder of anthropologist Myrna Mack, the cover-up of the murder of United States citizen Michael DeVine, and the torture and murder of Efrain Bamaca, husband of

United States lawyer, Jennifer Harbury. The Archdiocese report also named SOA graduates as top leaders in the fearsome Guatemalan military intelligence agency (D-2 or G-2), which both reports cite for horrific abuses (Guatemala, *Nunca Mas*, 1998).

14. Both reports concur that paramilitary groups were to blame for a large percentage of the 42,000 human rights violations. SOA graduate Benedicto Lucas Garcia masterminded the creation of the paramilitary civil patrols responsible for some of the most brutal violations of the war.

El Salvador

15. The United Nations Truth Commission Report, released in March 1993, cited over 60 Salvadoran officers for the worst atrocities during El Salvador's brutal civil war. Over two thirds of the Salvadoran officers named were SOA alumni, including:

- Two of the three officers or former officers cited for the assassination of Archbishop Oscar Romero on 24 March 1980;

- Three of the five officers cited for the murder of the four United States churchwomen, including two of our Maryknoll Sisters, who were killed on 2 December 1980;

- Ten of the 12 cited for the El Mozote massacre of December 1981, when nearly 1,000 civilians, mostly women and children, were brutally killed;

- Nineteen of the 26 cited for the massacre of the Jesuits and two women at the University of Central America in November 1989.

16. The circumstantial evidence of SOA's lack of concern for human rights is overwhelming and dramatically illustrated again by its choice of instructors and speakers, and of those whom the school chose to honour in its "Hall of Fame". A few examples follow:

Chile: Colonel Pablo Belmar. 1987, Guest Instructor; 1968, Basic Arms Orientation Course. Directly implicated in the 1976 torture and murder of United Nations official Carmelo Soria, whose neck was broken after he was arrested and tortured by Chilean intelligence personnel (DINA). Soria's car and body were dumped in a Santiago canal in order to make his death appear accidental (Americas Watch Report, Unfinished Business, May 1994);

Colombia: General (Ret.) Farouk Yanine Diaz. 1991, 1990, guest speaker at SOA; 1969, Maintenance Orientation Course. Former commander in the Colombian Army, Yanine "was accused of establishing and expanding paramilitary death squads in the Middle Magdalena region, as well as ordering dozens of disappearances, multiple large-scale massacres, and the killing of judges and court personnel sent to investigate previous crimes." (State Department Human Rights Report for 1997). Yanine's SOA guest appearances occurred after his alleged involvement in crimes such as the 1988 Urabá massacre of 20 banana workers, the 1987 assassination of the mayor of Sabana de Torres, and the 1987 massacre of 19 businessmen.

Guatemala: Lieutenant-Colonel Mario Roberto Grajeda. 1990-1992, Instructor. In 1997, URNG combatants who had demobilized after the signing of the peace accord began receiving death threats from the 22nd Military Zone of Guatemala. Various human rights groups reported this incident to the Justice of the Peace, holding Grajeda, who was commander of the zone, responsible.

17. The co-signatory organizations urge the United Nations Commission on Human Rights:

(a) To include this matter in its agenda of its present session,

(b) To encourage the United States Congress, the President and the United States military to close the United States army School of the Americas as an inappropriate tool of United States foreign policy.

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INDIGENOUS ISSUES

Written statement* submitted by the Indian Movement "Tupaj Amaru",
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 January 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

THE RIGHT OF INDIGENOUS MINORITIES TO EQUITABLE DEVELOPMENT IN THE NORTH OF THE RUSSIAN FEDERATION

1. At the invitation of the Institute for the Problems of Minorities and Indigenous Peoples of the North of the Russian Federation, I visited Yakutsk, capital of the Republic of Sakha, in July 1998 with the aim of finding my brothers and friends living far from the Western world.

2. After a seven-hour non-stop flight from Moscow to Yakutsk, I found myself among Indians like us, who touched me by their hospitality, human warmth and the genuine friendship I had experienced in Soviet times.

3. I was also deeply moved by the enthusiasm and courage with which the Association of Indigenous Peoples of the North, the Institute for the Problems of Minorities and Indigenous Peoples of the North, and the Indian Movement "Tupaj Amaru" decided to organize the first round table on the rights of minorities and indigenous peoples of the north, which was held in Yakutsk on 16 and 17 July 1998.

4. The following are various reflections and comments on the Yakutsk Declaration adopted by all the participants which I would like to share with members of the Commission on Human Rights, Governments and indigenous peoples, concerning the survival conditions of these peoples whom the international community has forgotten.

5. The spectacle of a great country sliding towards the unknown is sad to behold. This former heartland of Soviet power, extending from Eastern Europe to Central Asia, is a vast territory. The Russian Federation is seven times larger than India, three times larger than the United States and 70 times the size of Japan. It has a population of more than 147 million and possesses immense natural wealth.

6. Siberia, the Asiatic part of the Russian Federation, was conquered by the Russians in 1632. It extends the entire length of northern Asia, from the Urals to the Bering strait. It is reliably reported that this fascinating swathe of territory is home to approximately 400 minority peoples and over 65 indigenous and ethnic groups. The latter have lived and worked there since time immemorial, in harmony with nature and their environment.

7. Yakutia, in north-east Siberia, is three times the size of Bolivia. Its total area is 3,103,200 km^2 yet it has only 686,000 inhabitants. Its mountain ranges, plateaux, tundra and valleys are home to six indigenous peoples and nomadic tribes. But many have either died out or been assimilated into Russian culture.

Economic conditions

8. Centuries after the conquest of Siberia and a decade after the collapse of Soviet power, indigenous populations and minorities of every stripe are having to deal with issues relating to land, territory and the natural resources which make up indigenous identity and constitute the permanent basis of their survival.

9. Notwithstanding this, the Federal Constitution of 1993 replaced collective ownership of land and natural resources by private ownership, whereby the land and its resources may be subject to different forms of ownership and usufruct by individuals, the State and corporations.

10. The value of this ancestral land is enhanced by huge strategic resources that were formerly coveted by the all-powerful State; today these resources are being eyed by transnational corporations from Western countries. The Russian North has abundant energy reserves in the form of oil, natural gas (Tomsk region) and coal (the Kuzbass). It is also rich in minerals, timber, leather and reindeer skins.

11. The vast northern territories which are home to 8 per cent of the population contain 97.5 per cent of the natural gas, 91 per cent of the tin, 15 per cent of the coal, 29.4 per cent of the electricity and as many strategic resources. This is why the capitalist West has "bagged" this huge territory without firing a shot.

12. The indigenous peoples of Yakutia, where transnational corporations have a foothold as everywhere else, are casualties of their own wealth, because they have a superabundance of diamonds, gold, tin, uranium, coal and timber.

13. The indigenous populations are chiefly hunters and fishermen. In the cold northernmost regions, reindeer-breeding forms the material and spiritual basis of the indigenous lifestyle; the people are constantly on the move with their herd, yet they live in harmony with the natural environment.

14. Formerly, despite the harsh climate, the indigenous peoples of the north had formed agricultural cooperatives and learned to grow wheat, barley, potatoes and sugar beet. They had also learned to develop the manufacture of silver and leather craft items. Today their collective farms are in ruins and agricultural production had ceased.

Financial crisis

15. The indigenous peoples of northern Siberia, whose culture and form of social organization have contributed to the progress of Western civilization and who gave everything they had to the Soviet State, have been the first casualties of the economic and financial crisis afflicting the Russian Federation, caused by the transition to a liberal market economy.

16. My brief visit to Yakutsk enabled me to appreciate how far the transition from a socialist to a market economy, from collective emulation to free competition, and the transformation of former party officials into managers and wheeler-dealers have resulted in the social decomposition and disintegration of this vast country.

17. The whole nation is moving into the unknown, relegated to the rank of a developing country, divided as never before into a handful of arrogant and unscrupulous nouveaux riches and the enormous poverty-stricken, excluded and resigned majority.

18. The economic, social and moral crisis that has convulsed this formerly respectable and respected country did not begin on Monday 17 August 1998, when the rouble was devalued by 35 per cent; it goes back to the shock therapy applied and enforced by the architects of neo-liberalism immediately after the collapse of Soviet power.

19. In addition, the pursuit of never-ending reform against the background of the structural adjustment programme imposed by the International Monetary Fund (IMF), regardless of all other considerations, has wrecked the country's production base. The results have been gloomy: paralysis of industrial capacity, plant closures, mass lay-offs, bank failures, rising unemployment, and the gangrene of corruption and organized crime, which have become a threat to the Russian people and collective security.

20. During my visit to Yakutsk, I was able to observe that the collective and State farms which used to feed millions have now fallen into disrepair. Travelling along the legendary River Lena, I saw rusting hulks, ravaged by time, apparently confined to port forever.

21. Western analysts report that Russian GDP has fallen by 50 per cent (some experts say 83 per cent) during the past six years. This means that the country has returned to its pre-industrial level under tsarism. Some Western media sources, citing people who have been directly affected, report that reindeer-breeding – the basis of the nomadic lifestyle – has undergone a 35 per-cent decline since 1990, meat production has fallen by two thirds, and five times less milk is being produced (Le Monde, 8 September 1998).

22. In a country where the invisible hand of transnational corporations is attempting to transform this vast territory into a free-trade zone, the region's indigenous peoples have been abandoned to the anarchy of market forces, forgotten by the State and condemned to genocide on the altar of neo-liberalism.

23. The economic and financial crisis in the Russian Federation provides yet another example of the failure of neo-liberal economic strategies imposed by Westerners on other peoples. The liberal dogma implemented in the Russian Federation by IMF and the World Bank has led to ruin.

24. Discredited and exposed throughout the world for their disastrous mismanagement of the financial crisis and the bankruptcy of their interventionist policy in the Russian Federation, IMF and the World Bank are heavily implicated in the disaster which now faces the country. There is an urgent need to change the ground rules of these international institutions in order to find an alternative to the neo-liberal model of development.

Poverty

25. During my visit to Yakutia, I learned many things from my friends and listened to their nostalgia-tinged condemnation of the deceit and cowardice which led to the collapse of the Soviet system, especially the destruction of social welfare which swept away all the achievements of the Soviet people. More than 15 million Russians are experiencing famine

during the transition to unbridled, arrogant and free-for-all capitalism. Three quarters of the population (with an official annual per capita GDP of $3,200) live below the poverty line (Le Monde, 8 September 1998).

26. Average income, which had already declined 40 per cent in the period 1992-1997, is now in free fall. In 1996, 34 million Russians were living in poverty; today this scourge affects the most vulnerable sections of the population – children, women and the elderly.

27. Pensioners and older people who contributed to the glory of the Soviet Union and won victories in two world wars have been humiliated; many are now forced to rummage through dustbins. Reduced to begging in order to survive, they bemoan their poverty before curious tourists on Revolution Square and at the entrance to every metro station.

28. The structural adjustment programme implemented by IMF has had a brutal effect on health care, education, food supplies and the standard of living in general. Life expectancy has fallen from 69 to 58, the birth rate has dropped from 14.7 to 9.5 per cent, and the infant mortality rate is climbing.

29. Meanwhile, school enrolment is down 8 per cent and malnutrition due to calorie-starvation is affecting children's physical and mental health. Epidemics, tuberculosis and other diseases which had formerly been eradicated are back with a vengeance. Poor, indigenous and excluded people are also prey to alcoholism, prostitution, suicide and stress in this society which is sick with corruption.

30. For six months, and in some cases three years, teachers, miners, local officials and soldiers guarding nuclear weapons have not been paid. Those who have received something have been paid according to the barter system, which accounts for at least 50 per cent of all transactions. In the metallurgical, building and commercial sectors, barter is a built-in component of an anachronistic production strategy.

31. The wholeness of the cultural, social and linguistic fabric of indigenous civilizations, and especially their identity, is gravely endangered by blind market forces. More than 10 ethnic minorities are currently on the verge of extinction. They have already lost their language and writing systems, i.e. the memory of their ancestors.

32. It is essential that the human rights bodies of the United Nations and the international community pay special attention to protecting the identity of the indigenous peoples of the north and promoting their right to land and natural resources, which are prerequisites for the survival of these ancestral civilizations.

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THE RIGHT TO DEVELOPMENT

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement* submitted by the Indian "Tupaj Amaru" Movement,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 January 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

THE IMPACT OF STRUCTURAL ADJUSTMENT PROGRAMMES ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND THE RIGHT TO DEVELOPMENT

1. The twentieth century will go down in history as 100 years of stormy contradictions that changed the face of the world, leaving us with a rather bleak inheritance, namely, the hurricane of globalization that leaves in its wake extreme poverty, external debt, widespread corruption, organized crime and racism, providing fertile soil for ethnic conflict under the guise of primitive nationalism with expansionist connotations, and a return to cold war times.

2. The constant erosion of the basic right to adequate food, clothing and housing, that is, the right to equitable development, enabling each person to enjoy his natural resources in dignity, calls for cold and objective analysis by the international community of the structural adjustment programmes (SAPs) imposed on developing countries by the international financial institutions.

3. In 1944, the Bretton Woods architects designed the International Monetary Fund (IMF) and the World Bank, two of the pillars of the United Nations international monetary system, to promote economic development in the world's poorest countries.

4. To this end, and in keeping with its Articles of Agreement, the tasks of the IMF were to "facilitate the expansion and balanced growth of international trade, and [to] contribute thereby to the promotion and maintenance of high levels of employment and real income and to the development of the productive resources of all members ... promote exchange stability ... correct maladjustments in their balance of payments".

5. More than 50 years after the IMF's creation, equilibrium in monetary policy is still sadly lacking. In contradiction with its own objectives, through its binding recommendations, the IMF has been applying world trade liberalization policies, currency devaluations, price liberalization, wage freezes, budget cuts in health and education, and complete privatization of State enterprises.

6. This supranational institution is effectively in the hands of the rich countries and falls in line with their strategies. In view of its outdated mechanisms and its anti-democratic functioning, exemplified in the "one dollar = one vote" formula, the IMF is clearly not an institution that is meant to distribute wealth in an equitable manner because social justice is not one of its priorities, nor are the extreme poverty and moral distress of the peoples a matter of concern for it.

7. In this as in other areas, the United States of America, which does not have the IMF imposing any structural adjustment programme on it, in spite of its 300 billion dollar deficit, has managed to accumulate privileges and absolute powers by virtue of its 17.8 per cent of voting rights.

8. In other words, one single economic and military power has the right of veto in the international financial system, a weapon it can use to block any decision which is not in line with its own interests. Paradoxically, a large number of indebted countries have lost part of their national sovereignty, compromised their economic independence and political institutions under the famous conditionality code.

9. To speak of the Bretton Woods institutions today is to speak of colossal problems in health and education, and particularly the extreme poverty which affects millions of human beings around the world, financial upheavals, unbridled speculation, laundering of international mafia money and the external debt crisis.

10. Twenty years have passed since SAPs were first implemented in the countries of the South. Those years have revealed that, instead of promoting fair and equal development, SAPs have brutally penalized the most disadvantaged sectors of society, especially indigenous populations.

11. In his report entitled "Effects of structural adjustment policies on the full enjoyment of human rights", the Independent Expert, Mr. Fantu Cheru, engages in an objective, impartial analysis of the negative effects of the so-called economic reform programmes. His conclusions and recommendations therefore deserve special attention from Governments and specialized agencies.

EXTERNAL DEBT

12. In the eyes of indigenous peoples, the debt issue follows on from the colonial process which began in 1492 with the "conquest of the Americas". In the current globalization era, the neocolonial strategy of domination which the former colonial powers have been imposing on poor Third World countries for more than 500 years is like a two-edged sword.

13. In other words, the umbilical cord of this curse remains attached, as in other areas to the consequences of colonialism, the victims of which have been and continue to be poor, colonized, subjugated countries, in particular indigenous populations.

14. The neo-liberal model promoted by the IMF, the World Bank and the World Trade Organization (WTO) aims to transform the world into one big free trade zone. However, the impetus of this global scourge, now a powerful social device, is such that if it explodes, it could trigger the total collapse of the world economy, as evidenced by the financial crises in Mexico, Russia, Asia and Brazil, with the accompanying negative effects with which we are now familiar.

15. According to the World Bank, Third World foreign debt stood at $1.351 billion at the end of 1991. The Independent Expert, Mr. Cheru, says that at the beginning of 1996 Third World countries owed $1.8 trillion "to Western banks, Governments and multilateral institutions such as the International Monetary Fund (IMF), the World Bank" and other international aid agencies (E/CN.4/1999/50).

16. This astronomical figure, which surpasses the imaginations of poor countries, is regionally distributed as follows: "$656 billion for Latin America, $340 billion for Africa, $857 billion for Asia". (World Economic and Social Survey 1997, New York.) In terms of the ratio of debt to GNP, "sub-Saharan Africa's debt burden was 123 per cent of its GNP compared with 41.4 per cent for Latin America and 28.2 per cent for Asia". (ibid.)

17. The Economic Commission for Latin America and the Caribbean (ECLAC) and United Nations experts were of the opinion that the foreign debt of Latin American countries had increased from $20.6 billion in 1970 to $151.1 billion in 1978. By the end of 1985, the debt had risen to $368 billion and by the beginning of 1994 to $437 billion".

18. This means that the rate of increase of developing countries' indebtedness doubled between 1994 and 1996. Among the main debtor countries, Brazil, Mexico, Venezuela and Argentina account for 81 per cent of the debt to American banks (Banco Nacional de Comercio Exterior (National Foreign Trade Bank, Mexico 41, March 1991)).

19. According to a 1996 United Nations Development Programme (UNDP) study on human development, Bolivia, Guyana, Honduras and Nicaragua were classified as the poorest countries in Latin America, their leaders having accumulated debt amounting to $17 billion.

20. The indifference of the international community to the transfer of vast sums of money from poor countries to rich ones is disappointing. These indebted developing countries already paid creditor countries $189 billion in 1995 and $213 billion in 1996 in interest and debt servicing.

21. Certainly the movement of capital in search of greater profits is a major obstacle to the enjoyment of the right to development and is the main reason for extreme poverty in developing countries. In North-South relations, the spectre of external debt has become a form of servitude, with the economies of debtor countries being subjected to neocolonial profiteering capital.

22. Under cover of this subtle and fine-tuned mechanism of modern times, natural resources are unconditionally handed over to multinationals, cheap labour is exploited and the neo-liberal model is imposed on poor countries as if it were of universal value. The real objective is to preserve the strategic interests of the Western powers of the North and the privileges of the ruling classes in the South.

23. During the cold war, rich countries and Western banks offered loan facilities to anti-democratic, corrupt Governments and military dictatorships whose leaders stole the money or used much of it to oppress their own people. Now more than ever, international mechanisms need to be established to recover the money misappropriated or stolen by corrupt Governments.

24. In the meantime the IMF and the World Bank have been closing their doors to progressive Governments, with the clear objection of stifling their economies for strictly ideological reasons. This dual levelling-down policy is incompatible with the spirit of international cooperation on terms of equality between North and South.

25. The fall of socialism and the recent financial crises in Russia, Mexico and Brazil, in addition to the bankruptcy of the Asian Tigers, have demonstrated the failure of the IMF and the development aid agencies and the limitations on their contributions to the solution of socio-economic problems.

26. Faced with these hard facts, the Commission on Human Rights should accord priority attention to the generally negative role of the IMF and the World Bank and encourage States to change the rules governing the functioning of the international financial institutions.

EXTREME POVERTY

27. Against the background of the globalization of capital, markets and enterprises, the neo-liberal formulas imposed by the IMF, the World Bank and the WTO have only served to worsen the poverty of most, widen the yawning gap between rich and poor, increase unemployment, create absolute poverty, and stir up racism and xenophobia, especially against indigenous populations, for economic and political reasons.

28. With a view to fostering lasting peace and sustainable development, the General Assembly, in resolution 48/183 of 21 December 1993, proclaimed 1996 the International Year for the Eradication of Poverty. Four years after the "lost" decade and the good intentions of the international community, the wall of poverty still stands as indestructible as ever.

29. In an open challenge to these objectives to humanize the "new order", structural adjustment programmes have not only been the conveyor belt for the trade liberalization process, deregulation of the financial system and the arrogant intrusion of transnational corporations into all aspects of society, in addition, they still continue to swell the numbers of poor people who are marginalized and excluded from the new world economic order.

30. It is disappointing to watch the egotism of the rich countries and the inconsistencies in their policies to eradicate the poverty which so violently and relentlessly plagues the most vulnerable sectors of society.

31. The criteria and indicators used at the World Summit for Social Development (Copenhagen, 1995) to define poverty are relative and even subjective, in that they do not reflect the harsh reality. Only the poor themselves know that hunger is when a starving individual does not even have a morsel of bread to eat, or a coat or poncho to give protection from the cold, or an aspirin to relieve a headache.

32. In spite of the enormous difficulties encountered in obtaining confidential statistics, it is now estimated that 1.3 billion people live in poverty and 60 per cent of them - 20 per cent of the world population - in extreme poverty. Of the total world rural population, indigenous populations represent over 80 per cent of the total number of people living in poverty or extreme poverty in developing countries, and 61 per cent in Latin America and the Caribbean.

33. In Russia, where the transition is being made to a market economy, more than 15 million people are suffering from hunger. In 1996, 33 million people had been already impoverished as a result of neo-liberal reforms and the misappropriation of IMF loans.

34. The World Health Report for 1995 emphasizes the bleak future faced by children in the new world economic system. According to the report, every year 12.2 million children under age 5 die from diseases caused by polluted air and water. Currently, 150 million children suffer

from acute malnutrition; 260 million others suffer from anaemia and vitamin deficiency and most of them die for want of a few US cents. Of a total of 190 million children and adolescents who live in Latin America, half live in critical poverty.

35. At the same time, the accumulated wealth of the three richest persons in the world exceeds the collective GNP of 48 developing countries. The arms race is gathering strength under the pretext of regional crises and ethnic conflicts. The military powers, NATO member States, invest $700 million each day in the manufacture of sophisticated weapons of mass destruction.

36. The imbalance is such that, under the sacrosanct economic law of supply and demand, speculators who produce nothing whatsoever become rich overnight by simply buying and selling non-existent securities. This is the appalling result of the current world economic system, which is utterly unfair, untenable and immoral.

37. Since the IMF and the World Bank, now called into question, are no longer responding to the hopes for the balanced, fair and equitable development of poor countries, or people's aspirations for a dignified life, the Commission on Human Rights, as a matter of priority, should study the impact of structural adjustment programmes on the enjoyment of human rights, hopefully leading to a total reform of the entire international monetary system.

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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: TORTURE AND DETENTION

Written statement submitted by the Romanian Independent Society of Human Rights (SIRDO), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 December 1999]

1. In exercising its role of militating in favour of human rights and fundamental freedoms, SIRDO has informed the responsible authorities (police, prosecutor's office, courts) regarding certain acts (cases of torture, inhuman or degrading treatment, the infringement of the presumption of innocence, the infringement of the right to a defence, etc.), requesting the acknowledgement of these abuses, on the basis of the confessions and relevant documents existing for each case, and has also requested the adoption of the measures necessary for the rehabilitation of victims subjected to torture and ill-treatment. The activities of SIRDO, serving the fundamental principle of finding out the truth, take place within a working system established with the Special Rapporteur on the question of torture, some 54 cases being transmitted to him from among the multitude that have been brought to our attention.

2. The analysis elaborated by SIRDO, based on reports of petitioners and investigations made in individual cases, some of them also supported by forensic documents, shows serious irregularities in the arrest and investigation procedures of the police and the penitentiaries. Our conclusions are the following:

(a) During criminal interrogations, the authorities resort to serious acts of physical and mental torture, with a view to forcing the suspect to acknowledge his/her guilt or deeds whose authors have not been identified;

(b) The effect of these acts of violence is to infringe the physical and mental integrity of the person and even to jeopardize the right to life itself, which diminished the physical and intellectual capacities of the individual needed to support and defend his legitimate interests in the sphere of human rights and freedoms;

(c) Prolonged periods (months, even years) of detention without trial are traumatizing for the detained persons;

(d) The suffering of victims of torture and inhuman or degrading treatment is also felt in the micro-social environment (family, relatives, friends, colleagues and acquaintances of the victim).

3. The mass media have often pointed out cases in which persons in the custody of the military authorities (the Romanian Police, the General Direction of Penitentiaries), who were deprived of their liberty, have been subjected to acts of torture and humiliation, committed without interference.

4. In support of the above-mentioned statements, SIRDO can also identify complementary negative factors, namely:

(a) The application of excessive penal sanctions which render inoperable the proper functioning of penal law institutions such as, for example temporary release under judicial control and bail;

(b) The lack of authentic reform in the field of penal legislation and the maintenance, in the Penal Code and in the Code of Penal Procedure, of provisions which in some cases may restrict the right of the accused to have free and direct access to an impartial and competent civil instance;

(c) The maintenance of the militarized system in the communitary police and in penitentiaries, which impedes the control of the civil society over the functioning of those institutions, and especially over how they will develop, because of restrictions imposed by the military rules and regulations;

(d) The lack of efficiency and commitment of court-appointed counsel who are indifferent to the fate of the client, while the dramatic poverty in Romania prevents a person whose rights have been violated from being able to hire a lawyer.

5. What is serious is the fact that because of the inertia and the blockage of the institutions and the slow pace of reform, there are insufficient guarantees regarding the respect for human rights and the development of democracy by respect for the law, a fact that the Ministry of Justice has affirmed in the "Balance sheet of activities of the courts and the Ministry of Justice in 1998" as follows: "We note a serious reticence on the part of administrative authorities (penitentiaries, sections of the police, hospitals, ministries, local public authorities) and some of the courts in offering information necessary for formulating observations. At the same time there is a lack of organization within many of these institutions, a lack of respect for the legal provisions that can be applied (some of the violations come from a misunderstanding or ignorance of the laws; others can be considered as actions favouring the interests of third parties), resistance to positive exchanges (despite claims of illegality), as well as imperfections in the existing normative framework".

6. Acknowledging the importance of the respect for and protection of human rights, as Romania has ratified the basic universal and regional instruments in the field; analysing the responsibilities of the Romanian State on the basis of the provisions of the 1991 Constitution, which states that:

- " ... no one can be subjected to torture or any inhuman or degrading treatment or punishment" (art. 22, para. 2);

- " ... the rights and freedoms of citizens, the free development of the human personality ... represent supreme values and are guaranteed" (art. 1, para. 3);

- " ... if there exist conflicts between the conventions and treaties on fundamental human rights to which Romania is a party and the domestic laws, the international provisions have priority" (art. 20, para. 2)

and in view of the fact that Romania is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by virtue of law No. 19 of 9 October 1990 and has recognized the competence of the Committee against Torture, established with a view to applying the Convention, SIRDO draws attention, with concern, to the partial infringement by the Romanian authorities of article 2, paragraph 1 of the Convention

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. SIRDO also notes a lack of efficiency in the supervision and control measures taken by the authorities as regards the development of criminal investigations and interrogations, which is an infringement of article 11 of the Convention as well. At the same time, the courts fail to exercise a sufficiently active role during judicial investigations, so that many of the sentences involving deprivation of liberty are pronounced on the basis of statements or confessions by the accused - statements that have been extorted by acts of physical or mental violence, and by acts of torture. This is an infringement of article 15 of the Convention.

7. As regards the aspects mentioned above, SIRDO requests the following:

(a) Rapid action by States, in support of the United Nations Commission on Human Rights, to finalize and open for signature and ratification the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as a globally applicable mechanism for prevention;

(b) Until this is achieved, we request the establishment by the Commission on Human Rights of a procedure to monitor in Romania the following:

(i) Full respect of the provisions of article 2, paragraph 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(ii) The implementation of article 11 of the Convention, according to which each State should keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and detention of persons deprived of their liberty ;

(iii) The demilitarization of State institutions, including the Ministry of Internal Affairs (the Romanian Police) and the Ministry of Justice (the General Direction of Penitentiaries), and the transfer of these responsibilities to the local administration, with competence to function as part of the community as a guarantee of the respect for the freedom and security of the person ;

(iv) The adoption of measures for the rehabilitation of the victims of torture and to enable them to obtain the compensation necessary for the restoration of their rights.

8. We believe that this procedure is the only way to ensure that the Government and authorities of Romania will assume their responsibility to respect and fulfil their commitments in this field. We consider that without these radical measures it will be impossible to eradicate and prevent acts of torture and inhuman or degrading treatment in Romania.

9. Within the provisions of its statute, SIRDO will continue to support a supplementary system of protection against the abuses committed by the authorities by providing assistance and counselling to the victims in order to increase the trust of citizens in the system of justice.

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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Written statement submitted by the Romanian Independent Society for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 December 1999]

GE.00-11057 (E)

1. Romania has ratified international and regional juridical instruments that provide for the respect, the protection and the promotion of women's rights. Romania is a party to the Convention on the Elimination of All Forms of Discrimination against Women, which it ratified in 1982. It has assumed commitments regarding the implementation of the Beijing Platform for Action. Romania has the obligation to incorporate in its legislation and in the practice of its institutions plans regarding national actions and the allocation of resources that are necessary for the development of programmes and projects for the promotion of the principle of equality of opportunity and the integration of the gender perspective in the activities.

2. Since 1994, SIRDO has been preoccupied with the problems of women's rights. We consider that one of the most important measures regarding the status of women on the national and international levels is the increase of the efforts of the United Nations and the States Members regarding the opening for signature and the ratification of the Optional Protocol to the Convention. Our appeal to all the responsible national and international actors in the States is justified by the continuation of the abusive and violent treatment to which women are subjected, including the infringement of their right to adequate protection from the State.

3. Even though the 1991 Constitution and the conventions ratified by Romania grant women and men equal rights, in the national legislation the principle of the equality of opportunity is insufficiently represented (the Labour Code, the Family Code). In the context of the inconsistency of the national legislation in this field and the failure to harmonize Romanian legislation with the international standards regarding equal protection, the Government has not adequately applied the standards relating to protection from discrimination. The authorities do not focus their attention and resources efficiently on the gender problem.

4. One of the most serious phenomena that directly affects the condition of women in Romania, equally involving effects on the child and the family, is domestic violence. The magnitude of this phenomenon is treated by the authorities as a common fact. The profound causes are to be found in the sphere of the customary tradition by the perpetuation of the paternal stereotype, and have been dramatically accentuated by the increase of the population's degree of poverty. The difficulties of the last years, which have been characterized by the accentuation of the feminization of unemployment, the difference in the incomes of the sexes, the disadvantage of women, and women being stuck in uncertain and poorly paid jobs, have made the reforms regarding the implementation of the provisions of the Beijing Platform for Action for the eradication and prevention of domestic violence impossible.

5. The obstacles to the implementation by Romania of the provisions of the Beijing Platform for Action are the following:

(a) The lack of political agreement at the decision-making level on problems that refer to women's rights and the equality of opportunity;

(b) The lower priority assigned to this matter on the national agenda, or the exclusion of the legislative initiatives that are necessary for the creation of an adequate environment for the equality of opportunity;

(c) The insufficient development of the mechanism that should promote policies and support programmes for the victims of domestic violence;

(d) The lack of analysis and statistical data that could support solutions for intervention and remedies, in the violent environment of the family microcosm.

6. There have existed and there exist in Romania initiatives for intervention with a view to eradicating and preventing violence within the family, but some of them are inefficient in practical terms (the institutional environment) and others are still proposals (legislative initiatives).

7. In view of the persistence and aggravation of the phenomenon of domestic violence, with no radical intervention on the part of the Romanian State, and with the reluctance repeatedly manifested by the State institutions (police, justice) to intervene on the bases that the Constitution (arts. 11 and 22) and the national legislation (the Presidential Ordinance, the Penal Code) offer, we request the institution of a procedure for monitoring, by means of the Commission on Human Rights in cooperation with the Committee on the Elimination of Discrimination against Women, that should:

(a) Supervise the way in which Romania implements the provisions of the Convention and the Optional Protocol, as well as the future initiatives that devolve from the provisions of the Beijing Platform for Action, referring to domestic violence on the legal and institutional levels;

(b) Offer advice and support for the development of a programme for the education and training of public servants on gender issues;

The procedure of monitoring could guarantee the integration of the gender perspective in the legal and institutional environment in Romania, the sanctioning and the prevention of domestic violence, as well as the application and respect for the international standards.

(c) Settle the role of law regarding the existing national legal framework so that the State institutions can coordinate their practices (examples of legal provisions: Law No. 61/1991 for the sanctioning of infringement of the norms of social life; the provisions of the Romanian Penal Code that sanction violent acts that infringe the right to life and the intensification of investigations by the Prosecutor's Office in cases of domestic violence; the provisions of the Code of Penal Procedure that refer to divorce, procedure for which should be simplified and expedited in cases of domestic violence; the utilization by the courts of the Presidential Ordinance of evacuation, which represents a rapid and efficient procedure even in cases where there is no divorce in progress between the parties);

(d) Modify the national legislative framework, so as to allow efficient action on the part of police and justice;

(e) Demilitarize the Romanian police and its placement within the local administration so that it can become involved, as part of the community, to prevent actions of domestic violence;

(f) Hasten legislative initiatives that stipulate the sanctions for domestic violence, so they can begin to function as soon as possible;

(g) Introduce in the national laws the notions of domestic violence, marital rape, psychological aggression, sexual harassment, confidential divorce procedure;

(h) Eradicate the shortcomings from the Romanian legislation, which does not stipulate guarantees of the rights of mother and child;

(i) Elaborate proposals for the establishment of a mechanism for the promotion of the equality of opportunity and policies of gender equality that would be a specialized organ of initiative and control, with attributions and competence acknowledged at the level of the State's decision-making structures, such as :

(i) The removal from the the Ministry of Labour and Social Protection of the Division for the Equality of Opportunity, the General Division for the Coordination of Women's Rights, and the Division of Elaboration of Family Policies, which have been established since 1995, and their establishment as a State Secretariat to promote a unitary gender policy;

(ii) The increase of the efficiency of the Sub-Commission for Equal Opportunities, which was established in 1997, within the structure of the Parliament's Commission for European Integration, with a view to facilitating and accelerating the process of legislative harmonization. SIRDO has supported the establishment of the Sub-Commission in a report addressed directly to the President of Romania;

(j) Ensure respect for the provisions of Governmental Decision No. 852/23.09.1996, according to which there has been established the Pilot Centre for the Protection and Assistance of Victims of Domestic Violence. In the three years of its existence, the Centre has not served as a model for the country, and is at present in an advanced state of marginalization and degradation. By the protocol concluded on 14 January 1997, SIRDO is a constant partner of the Centre, offering juridical assistance to the victims of domestic violence.

8. With the experience it has obtained over the years in the drafting of research studies and case studies regarding domestic violence, SIRDO will continue its activities of counselling the victims, and if solicited, offering advice with a view to the development of a real policy to support the equality of opportunity and putting a stop to domestic violence in Romania.

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QUESTIONS OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 December 1999]

GE.00-10536 (E)

1. On 8 November 1999, Israeli and Palestinian negotiators started the final talks which have to lead to a definitive status of the Palestinian territories. The deadline for these talks is 13 September 2000, the seventh anniversary of the Oslo Agreements, but both parties hope to reach a preliminary agreement by February 2000.

2. One of the difficult aspects of the talks is the status of the city of Jerusalem. In 1967, Israel occupied the Arab eastern part of Jerusalem, together with the rest of the West Bank of Jordan River. For Israel, united Jerusalem is the eternal city and it claims jurisdiction over the whole city. The Palestinians want to have the eastern part of the city as the capital of the Palestinian State. The international community and Pax Christi International do not accept the claims of Israel over Jerusalem. We would like to urge the United Nations Commission for Human Rights to support the parties involved in the process in finding a compromise and to take the following aspects into consideration.

3. The future of Jerusalem depends on its two dimensions, religious and political. On the political level, two nationalities, Israeli and Palestinian, are present and have political rights in the city. On the religious level, three religions, Judaism, Christianity and Islam, have religious rights, and require both political entities to guarantee religious freedom for all believers, local and universal. Exclusivism from any side, political or religious, will harm the identity of the city and the harmony among all those who are concerned, all its sons and daughters. Jerusalem cannot be solely Israeli or merely Palestinian, neither can it be solely Muslim or Christian or Jewish. It should be shared by all.

4. Throughout its past history, Jerusalem was in the hands of a single political power corresponding to or supported by one religion. Therefore,it was always a source of war. Exclusivism nourishes wars and hostility today and tomorrow, as in the past. To reach a position of stable peace, each one of its children, Israelis and Palestinians, Jews, Christians and Muslims, should feel at home and should enjoy the same freedom and the same rights and duties. No one should feel himself a guest or a stranger in his own city.

5. Given the five essential components of the living Jerusalem, two nationalities and three religions, does that mean that Jerusalem must be divided again? At present Jerusalem, despite its political unification, is divided into two populations, Jewish and Palestinian, still deeply separated by the conflict that is visible in the facts and in the hearts of both. The question to be asked now is rather: how to reunify the city? The answer: by recognizing the separate rights of all; even divided politically, it will be reunified. The Israeli part will be Israeli and a capital for Israel; the Palestinian part will be Palestinian and a capital for Palestine. And the part containing holy places should have a special arrangement, agreed upon by the two political parties and the three religions. Divide Jerusalem in order to reunify it: this is what is needed now, in order to achieve peace and reconciliation among its two peoples and three religions.

6. Therefore, Jerusalem requires a special status, given its pluralistic and religious importance. The guiding principle in this elaboration is the following: to give Jerusalem a definitive stability, so that it will never again become a source of war between peoples and religions. For that, the five components of the city (three religions and two peoples) must be taken into consideration and given satisfaction, and due respect guaranteed to national or religious differences.

7. Because of the universal significance of Jerusalem, the international community, including the Commission on Human Rights, ought to be engaged in securing the stability and permanence of this status. Jerusalem is too precious to be dependent solely on municipal or national political authorities, whoever they may be. Experience shows that an international guarantee is necessary. Therefore, it needs a unique status which will distinguish it from all the other cities of the world and put it above all problems of security. This special local status given to Jerusalem should have the support and the guarantees of the international community.

8. Ways should be found so that Jerusalem remains open to all without any exception. The security system should adapt to that priority; Jerusalem is first of all a spiritual capital for the three religions, not only for believers coming from all over the world, but also for those believers who are Palestinians and live near Jerusalem.

9. Religion cannot be an agent of war. True religion is an invitation to reconciliation, mutual respect and love. This endeavour to recognize and accept the other should lead all believers of the three faiths to a common ideal of holiness. It is only on that deep level of holiness that the unity of the city can be built. This religious endeavour towards the essence of religion, which is holiness in men's relationship with God and with one another, should inspire all the political measures taken by all the political leaders in Jerusalem.

10. In continuously striving for a peaceful transition in which the rights of all the peoples in the region can be respected, Pax Christi International hopes that the political leaders will be able to take the difficult decisions needed. We are, of course, pleased that final talks between Israelis and Palestinians are taking place. Pax Christi International offers to all leaders involved in this process its support in seizing this critical opportunity to bring a definitive and just peace to the area. The peoples of the region have been searching for such a peace for long time.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 December 1999]

GE.00-10540 (E)

Economic, social and cultural rights: the militarization of Puerto Rico

1. Pax Christi International opposes the United States military exercises on the island of Vieques, Puerto Rico. By the following appeal, Pax Christi International calls on the Government of the United States to cease immediately military exercises on their island because of the harmful effects on the island's inhabitants and ecosystem.

2. On a training mission over the island of Vieques on 19 April 1999, a United States Navy FA-18 off the aircraft carrier John F. Kennedy missed its intended target, and instead dropped live ammunition on an observation post. This accident resulted in the death of a civilian employee and the wounding of several others. That was not the first time that an accident had occurred during naval training exercises, resulting in injury or seriously endangering the lives of the residents of Vieques. In August 1941 the United States Congress approved public law 247 which gave the United States Navy immediate possession of land on Vieques to build a base. At that time the island's population was 14,000. When the military moved in, they took over a total of 26,000 of the island's 33,000 acres. Thousands of people were forced off the land their families had farmed for centuries - often with only 24 hours' warning. Large landowners were paid a lump sum, but over 800 families who had no legal claim to the land where they lived were given a pittance in compensation. Since that time, the United States military base, Camp Garcia, has occupied the eastern portion of the island and the naval ammunition facility occupies the western portion. Both are off-limits and exclusively reserved for the use of the United States Navy.

3. The people of Vieques seek justice for the environment and for themselves, which can only be achieved by the immediate and permanent cancellation of all Navy warfare exercises and operations on the island. The Vieques situation is a blatant violation of human rights. Two thirds of the small island of Vieques has been confiscated by the Navy for reasons of "public interest and national security", which for six decades has actually resulted in underdevelopment and a diminished quality of life for this community. Vieques is not indispensable, by any standards, to the Navy, or to the national security of the United States; it is only indispensable to the well-being of the people of Vieques.

4. Vieques is located six miles southeast of Puerto Rico and has a population of approximately 9,000, of whom 72 per cent live below the poverty level. The municipal government of Vieques reports over 50 per cent unemployment. Studies by the University of Puerto Rico School of Public Health indicate that Vieques suffers a cancer rate 27 per cent higher than the rest of Puerto Rico. The Legislature of Puerto Rico approved legislation ordering an epidemiological study to determine the causes of the higher cancer rate. The people of Vieques relate the abnormally high cancer rate to the environmental degradation caused by the United States Navy and NATO bombardment. This has been confirmed by environmental and health experts throughout Puerto Rico.

5. In 1980, the United States Congress carried out a series of public hearings to investigate the Navy's activities on the island and delivered its opinion that the Navy should abandon the island of Vieques and look for another place to carry out its manoeuvres. In a clear contradiction to these congressional conclusions and recommendations, nearly two decades later the Navy

continues to bombard and pollute the island, ruining the ecology, archaeological sites, and seriously affecting the safety and health of its residents. Following widespread protests by local residents,[1] on 4 December 1999 United States President Bill Clinton ordered the gradual withdrawal of United States forces over five years.

6. Pax Christi International calls on the Government of the United States to stop immediately all warfare and military exercises, manoeuvres and operations. After nearly six decades of "hosting" the United States Navy, the island and its people have had enough. Vieques should be inspected and cleansed of all hazardous chemicals, explosives and live ammunition and the United States Government should compensate the people of Vieques for all their years of suffering.

7. Following this a full environmental evaluation must be conducted on the island of Vieques by the Environmental Protection Agency and representatives of the Government of Puerto Rico. In addition to this a series of studies should be performed by the corresponding federal agencies, in coordination with representatives of the Government of Puerto Rico, to comprehensively evaluate the health, social, cultural and economic conditions of the people of Vieques and delineate viable programmes to improve them. Finally, a federally funded socio-economic and environmental restoration programme must be implemented.

8. When these requirements are met, the United States Government can, in good faith, return the long-occupied land of Vieques to the Government of Puerto Rico; however, this process must start now. In five years' time it will be too late to save this island from permanent damage to its ecosystem and its inhabitants.

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[1] According to the results of a poll released on 24 August 1999, 73 per cent of Puerto Ricans want the United States Navy to vacate the island municipality of Vieques and another 44 per cent oppose the presence of the United States Southern Command in Puerto Rico. For the survey, 1,000 adults around the island, Vieques and Culebra excluded, were polled by the El Nuevo Dia newspaper between 24 July and 11 August 1999.

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CIVIL AND POLITICAL RIGHTS

Written statement submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 December 1999]

GE.00-10544 (E)

1. In accordance with the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the provisions of the Geneva Conventions of 12 August 1949, we remain deeply concerned with the plight of the Tamil people in Sri Lanka.

2. We have the honour to solicit the intervention of the Commission on Human Rights to facilitate a negotiated political solution to this protracted conflict with the hope of finding a just and durable solution to end the gross human rights violations perpetrated against these people. Many of the past interventions submitted by other concerned NGOs have testified to the genocide happening there.

Arbitrary arrests, torture, detention, disappearances and summary executions

3. Article 6.1 of the International Covenant on Civil and Political Rights states: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". The Chemmani mass graves have revealed the extent of systematic human rights violations by the government forces. The revelation was made on 5 July 1998 by the convicted soldiers, over a year has gone by with investigations unduly protracted and the situation has further deteriorated with alarmingly high rates of arbitrary arrests, torture, rape and disappearances continuing to occur.

4. Bacre Waly Ndiaye, former Special Rapporteur on extrajudicial, summary or arbitrary executions, stated with respect to Sri Lanka that "a disturbing number of people have disappeared during Sri Lanka's 14-year war against Tamil separatists... There is still a very painful and difficult human rights issue in northern Jaffna peninsula". Despite much-publicized visits by the special representatives of the Secretary General, there have not been any monitoring mechanisms to prevent further occurrences of torture and summary executions. Scores of young men continue to be arbitrarily arrested and their whereabouts withheld from their grieving families.

5. The Liberation Tigers of Tamil Eelam (LTTE) has also been accused of gross violations of human rights by a number of human rights organizations. The members of LTTE have killed Sinhalese, Tamil and Muslim civilians and tortured and killed prisoners. Pax Christi, as a member of the Coalition Against the Use of Child Soldiers, is concerned that LTTE continues to "forcibly recruit" children as young as 14 despite a promise made to the Special Representative of the Secretary-General on Children and Armed Conflict, Olaru Otunnu, in May 1998.

Aerial bombing and displacement of civilians

6. Article 50 of the Additional Protocol II to the Geneva Convention of 12 August 1949 states: "The civilian population as such, as well as individual civilians shall not be object of attack.... Indiscriminate attacks are prohibited." Indiscriminate aerial bombing of densely populated Tamil areas have been justified by the Government as attacks on rebel hideouts. The International Committee of the Red Cross has confirmed yet another killing of women and children resulting from the bombing of a marketplace on 16 September 1999. "Twenty-one Tamil civilians were killed and 35 wounded when the air force carried out a bombing raid in north-eastern Sri Lanka", the International Committee of the Red Cross (ICRC) said Thursday

(16 September 1999). Fifteen civilians, including women and children, died during the attack while another six died in hospital in the district of Mullaitivu on Wednesday, an ICRC spokesman in Colombo said (Agence France Presse, 16 September).

7. Human rights violations are the main reasons why people flee their homes. As security is as essential a priority as food, internally displaced refugees fleeing from military abuses have sought protection in the LTTE-controlled areas.

8. Humanitarian assistance to the displaced civilian population has been minimal because of the lack of political willingness on the part of the Government to encourage NGOs to provide assistance to the refugees. The Government has for many years used food as a weapon of war against the hapless population. According to a National Peace Council report of March/April 1998, "There has been an economic blockade in the Northern Province in Sri Lanka ever since 1990. In 1995 since the resumption of the Eelam war, the Government of Sri Lanka has forbidden non governmental organizations (NGOs) from distributing food and, with the exception of the International Committee of the Red Cross (ICRC), distributing medicine."

Protection and welfare of children

9. Article 37 (b) of the Convention on the Rights of the Child states: "No child shall be deprived of his or her liberty unlawfully or arbitrarily." According to Amnesty International scores of children, aged between several months and 17 years, are among the thousands of people who are reported to have "disappeared" after detention by security forces and members of armed groups engaged in hostilities, during the last 15 years of civil conflict in Sri Lanka: "... there have been several chilling reports of torture of young Tamil children taken into custody ..." (Amnesty International report ASA 37/10/99, June 1999).

10. It is also a matter of grave concern for Pax Christi that the Tamil children amidst the 400,000 civilians who have fled the armed forces into LTTE-controlled areas continue to suffer from malnutrition and succumb to easily treatable diseases. The mortality rate of infants and children is alarmingly high owing to the embargo on essential vaccines to the "uncleared" areas. A nutritional survey conducted by a government agent of the Killinochi district has revealed that "52 per cent of children are affected by malnutrition". Widespread incidence of malaria is also reported due to monsoonal rains and the climatic conditions. We request intervention and mechanisms to monitor the supplies of food and medicines to the refugee population in the Wanni.

Violence against women

11. "A soldier sentenced to death by a court in Colombo for the (rape and) murder of a teenage Tamil schoolgirl (Krishanthi) [said], 'We didn't kill anyone. We only buried bodies. We can show you where 300 to 400 bodies have been buried,'" (Reuters, 13 July 1998). The much-publicized case of the rape and murder of the schoolgirl Krishanthi and the conviction of the soldiers has not resulted in any improvement of the situation of violence against women. Pax Christi is deeply concerned that the armed forces continue to rape and sexually assault women and underage girls with impunity.

12. The embargo on food and medicine and the rape and other human rights abuses are used as weapons of war designed to break the will of the suffering population into submission.

13. It is evident from reports from various NGOs that the Sri Lankan military is responsible for the human rights violations of the Tamils and is viewed with fear and hatred by the Tamil population. Hence, demilitarization of the Tamil areas would see the return of normalcy to the lives of the 800,000 refugees. This would also pave the way for confidence-building measures to engage the parties to the conflict in peace talks with third-party mediation.

Mechanisms for on-site monitoring

14. Despite the visits by special representatives of the Secretary-General, the situation has not improved; on the contrary, human rights violations are escalating unabated.

15. We urge the Commission to provide the necessary mechanisms for on-site monitoring of:

- The human rights abuses, arbitrary arrests, torture and disappearances;
- The torture and rape of women and children,
- The free movement of displaced population,
- Distribution of humanitarian aid.

Urgent intervention to restore basic and fundamental rights to the Tamil people

16. Considering the denial of basic and fundamental rights to the Tamil people in the island of Sri Lanka, Pax Christi urges the United Nations organizations:

- To provide urgent humanitarian and medical assistance to the displaced refugee population in the Wanni;
- To initiate effective action to solicit third-party mediation to advance the facilitation of negotiations for a peaceful resolution of this protracted conflict.

17. Pax Christi solicits the urgent direct intervention of the Commission in the above systematic violations of human rights by the Government of Sri Lanka.

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 December 1999]

GE.00-10585 (E)

Economic sanctions, the United Nations and Iraq

1. Pax Christi International has repeatedly called for reducing, reshaping and quickly ending the economic sanctions against Iraq that have brought such suffering to the Iraqi people. Pax Christi International requests with great urgency that the United Nations Commission for Human Rights consider and take action to amend the application of economic sanctions against Iraq since they unfairly target the civilian population. They violate human rights and serve as a silent killer since they deprive civilians of access to the means of subsistence necessary for life. In Iraq they have been in place for nine years and have failed to impact the regime of Saddam Hussein as they were intended to do. They violate a fundamental principle of international law, namely that innocent people may not be directly targeted in order to destroy a Government. Dennis Halliday, the former United Nations Humanitarian Relief Coordinator in Iraq, resigned his position in 1998 after seeing first-hand the effects of the sanctions, which he described as "genocidal". Says Halliday, "We are destroying an entire society. It is as simple and as terrifying as that."

2. Pax Christi International agrees with the United States Catholic Bishops' Conference that the grounds for strong international action against Iraq were and are justifiable: "reversing and deterring aggression against neighbouring States, protecting domestic minorities, and preventing the development of weapons of mass destruction." We also agree that "even honourable causes may not be defended with immoral means. Such is the case of embargoes that contribute to untimely death, chronic illness, and reduced life-expectancy among innocent civilians." The United States bishops acknowledge – and Pax Christi International endorses - that the primary responsibility for resolving outstanding disputes between Iraq and the international community belongs to the Iraqi Government. So too does that Government bear primary responsibility for the failure of humanitarian efforts because of its deliberate diversion and misallocation of resources within Iraq (statement by Msgr. Joseph A. Fiorenza, President of the Conference, on 15 November 1999). However that does not take away the responsibility of the international community for the plight of the Iraqi people. According to the Geneva Conventions, economic sanctions must comprise a humanitarian exemption to permit relief operations if the health or nutrition situation so requires. International humanitarian law sets minimum standards which must be respected as an absolute minimum. Economic sanctions should not condemn civil society to live below subsistence level and certainly not for a prolonged period. So there is a need for a minimum standard which is higher than a mere guarantee for survival. The current comprehensive sanctions are unacceptable and must be replaced by more humane arrangements. In considering the effects of the sanctions against Iraq, the international community should keep in mind that many historians see the long vindictive sanctions imposed on Germany after the First World War as a major factor in causing the Second World War.

3. Economic sanctions and the policies of the Government of Iraq have prevented Iraq from rebuilding its infrastructure, which was severely damaged during the Gulf war. Raw sewage flows in the streets. Broken water purification systems increasingly contaminate water, spreading disease and causing diarrhoea in small children. Easily preventable diseases turn deadly when they find their way into malnourished bodies and when they go untreated due to a lack of medicines no longer permitted into the country because they might be used for war purposes. UNICEF reports a six- to eight-fold increase in the mortality rates in children due to diarrhoea and pneumonia from 1991 to 1996. In a recent survey, UNICEF reported that, as of

mid-1999, the deaths of over 500,000 children under 5 were directly related to economic sanctions and the policies of the Iraqi Government in response to these sanctions. The combined effect of economic sanctions and the policies of the Iraqi Government have also led hundreds of thousands of Iraqis to flee their homeland. It is estimated that there are at present between 150,000 and 200,000 Iraqi refugees living in Jordan, and many more have fled to other parts of the world. These refugees are often forced to live in very poor conditions without legal status or the right to work.

4. The Commission on Human Rights should do everything in its power to ensure first of all that aid is given immediately to alleviate the pressing needs of the people in Iraq and the Iraqi refugees who live in neighbouring countries and have no access to help. At the same time, the current comprehensive sanctions should be lifted. UNICEF, the World Food Programme and others should get direct access to the people in need. The Commission on Human Rights should take steps to see that the suffering population indeed has access to relief. In order to promote further compliance with human rights standards in Iraq, Pax Christi International urges the Commission to broaden and extend the mandate of the Special Rapporteur for Iraq or to have a permanent representative of the High Commissioner for Human Rights in Iraq with the mandate to monitor the human rights situation in the whole of Iraq.

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SPECIFIC GROUPS AND INDIVIDUALS: MIGRANT WORKERS

Written statement submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31

[30 December 1999]

Humane migrant labour: make it work!

General observations

1. The challenge of labour migration in the context of economic globalization should be considered in the ethical framework of global justice and solidarity, and the universal responsibility for life and humankind. Human labour should be appreciated as personal growth and social participation in the economic process of production, distribution and consumption of food and other necessities, in the responsible exchange of goods, services and technology, and the multicultural interaction of visions, values, experience and information. This humanizing process should focus on developing inclusive, participatory societies that respect and protect human dignity and the social, economic, cultural, civil and political rights of all children, women and men. Human and humane labour should therefore contribute to liberating all societies from poverty and greed, ignorance and manipulation, intolerance and exclusion, exploitation and slavery, military and non-military threats to life, livelihood, security and peace.

2. Managing labour migration on a political level requires a comprehensive approach by the international community and States Members of the United Nations. Such an approach should address the root causes of unbalanced, chaotic migration of labour on a global scale. Attempts to restore the just and balanced global production, trading and distribution of the necessities of life, while respecting human rights and dignity, should include, among other things:

(a) A different vision on and attitude towards traditional North-South relations and related concepts such as growth, development, progress, cooperation, partnership, good governance, stability, security;

(b) Social reorientation of the objectives, strategies and programmes of the International Monetary Fund (IMF), the World Bank (WB), the Organization for Economic Cooperation and Development (OECD) and the World Trade Organisation (WTO);

(c) An ethical approach to the process of market globalization including social responsibility and effective accountability of multinational enterprises (MNEs) and other major actors;

(d) A debt cancellation process for poor countries.

3. Any attempt to control labour migration is doomed to fail unless it is based on a harmonized policy of openness. Such a policy does not contradict or reject the right of a State to control its borders. A policy of openness does not mean a policy of open borders but rather an unprejudiced attitude which regards migrants and migrant workers not as a burden per se, but rather as a cultural and socio-economic asset which societies cannot afford to lose. Moreover, migrants and migrant workers continue to contribute considerably to economies, and in addition they offer a beneficial answer to the demographic evolution in highly industrialized countries. Therefore, migrants and migrant workers should enjoy equal opportunities and treatment at all levels of society. This should include reasonable and fair transitional measures leading towards admissibility to citizenship or dual nationality, and the right to vote.

4. The State should not be conceived as the exclusive "property" of national inhabitants but rather as the protector of rights, including the rights of minorities as immigrants and migrant workers. Controlling State borders should not lead to violating or curtailing the human rights of regular or irregular non-citizens. Therefore, legislation for the benefit of the wider community, free of gaps in protection, should overrule the enforcement of deficient laws.

Concerns and recommendations

5. On the subject of migrant labour and migrant workers, Pax Christi International shares a number of concerns and recommendations with other NGOs, international organisations and confederations.

On the individual level

6. For all migrant workers, including migrant domestic workers and irregular migrant workers, Pax Christi International recommends legal protection, implementing measures and effective remedies with regard to the following:

(a) The right never to be deprived of one's identity, travel or contractual documents by employers or local recruitment agents;

(b) The right to equal treatment as guaranteed for national workers and domestic workers;

(c) The right to file grievances against violations of their labour rights or human rights, and against all forms of cruel, inhuman or degrading treatment, and the right to stay and work during the legal proceedings;

(d) The right to have free access to their embassies and to enjoy appropriate and cooperative attention to their needs within a reasonable period of time;

(e) The right to join trade unions and other workers' organizations;

(f) The right not to be subjected to arbitrary and inhuman detention and expulsion;

(g) The right of migrant workers, in particular children, girls and women, to abscond, without risking punishment, from any employment involving forced prostitution, forced child labour, bonded labour and all forms of cruel, inhuman and degrading treatment, including the right to apply for appropriate re-employment;

(h) The right of migrant domestic workers, especially children, girls and women, to leave their employers, without risking punishment, when they suffer physical threats or violence, sexual intimidation, abuse or assaults, including the right to apply for appropriate re-employment.

On the level of Governments

7. Pax Christi International urges Governments of sending and receiving countries to take appropriate and effective measures to facilitate exposure and prosecution of male fide and criminal practices with regard to the recruitment, transport and employment of migrant workers, including migrant domestic workers and irregular migrant workers. Such measures should include:

(a) Registration, control and monitoring of recruitment agencies, and guidelines for recruitment procedures and contracts corresponding to international and national labour standards;

(b) Reliable, qualified pre-departure information and training;

(c) Ombuds-service for reporting and exposing male fide and criminal practices by official or irregular agents and employers who extort and deceive migrant workers, imposing fake contracts on them, misleading them with false labour or remuneration perspectives, subjecting them to unacceptable working and living conditions;

(d) Access to local health clinics, social and legal services and to NGO counselling facilities in the receiving countries;

(e) Protection and remedies against racist discrimination and racist-inspired ill-treatment and assaults;

(f) Reinforcing embassies and diplomatic missions with qualified "social attachés" mandated to follow up migrant workers' legitimate grievances, in cooperation with local trade unions, workers' organizations and NGOs;

(g) Combating the corruption and the complicity of border officials involved in cross-border trafficking of children, girls and women;

(h) Exposing foreign officials who exploit, ill-treat, or sexually harass and abuse migrant domestic workers under cover of their diplomatic immunity;

(i) Empowering NGOs to assist migrant victims in exposing and effectively prosecuting violators of their labour rights, human rights or human dignity.

On the local level (NGOs, other organisations, etc.) of receiving countries

8. Pax Christi International encourages local NGOs, trade unions, and workers' and employers' organizsations in receiving countries to report and expose violations of migrant workers' labour rights, human rights and human dignity, including the exploitation of and discrimination against domestic (national) migrant workers. Considering the growing slavery-like exploitation of migrant workers in receiving countries where racial discrimination and aggression are no longer exceptional, it is indispensable to develop concerted media strategies in order to help raise public awareness and to build up political pressure. Moreover,

all social forces concerned with migrant workers' rights and their empowerment are encouraged to develop networking, and join efforts lobbying their Governments specifically to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

On the international level

9. On the international level, and in view of the proposal to convene a United Nations conference on international migration and development, Pax Christi International urges all Governments to sign and/or ratify bilateral and multilateral agreements or conventions with regard to the labour rights, human rights and dignity of all migrant workers, including irregular migrant workers. Seriously concerned with the alarming gap between the available international labour standards and instruments and their weak implementation with regard to migrants and migrant workers, Pax Christi International recommends the following:

(a) Establishing an international monitoring and protection mechanism which should include individual remedy procedures and Member State reporting on the rights and treatment of all migrant workers;

(b) Giving permanent character to the working group of intergovernmental experts on the human rights of migrants of the Commission on Human Rights and enlarging its mandate;

(c) Encouraging the working group to urge all States to enforce adequate anti-trafficking legislation, by relentlessly prosecuting the traffickers and not by hunting and hurting their victims;

(d) Urging the working group to draft recommendations on how to combat effectively the exploitation and human rights violations of migrant domestic workers under cover of "diplomatic immunity";

(e) Updating available studies on the rights, including labour rights, of non-citizens and discussing them with a view to adopting the conclusions and recommendations as a United Nations declaration;

(f) Making admissible at relevant levels of the mechanism of the International Labour Organization reports on the rights of migrant workers issued by NGOs;

(g) Intensifying cooperation between ILO, the international institutions (IMF, World Bank, WTO, OECD, etc.) and relevant organizations (International Confederation of Free Trade Unions - ICFTU, World Confederation of Labour - WCL, etc.) to ensure that social clauses guarantee better protection of the labour rights and human rights of migrant workers, including irregular migrant workers;

(h) Including ILO's recommendations with regard to export processing zones in the eligibility criteria for preferential trade access;

(i) Establishing individual remedy procedures under the European Social Charter, which should also be accessible to irregular migrant workers;

(j) Encouraging international confederations of trade unions (ICFTU, WCL) in their efforts to concentrate their experience and resources towards developing a trade union charter for all migrant workers, including irregular migrant workers.

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 18 of the provisional agenda

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Written statement submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 December 1999]

GE.00-10589 (E)

Economic sanctions and human rights mechanisms

1. On 10 November 1998 the General Assembly of the United Nations declared the years 2001-2010 to be the Decade for a Culture of Peace and Non-Violence for the Children of the World. At that time, the adopted resolution stated that "the task of the United Nations to save future generations from the scourge of war requires transformation towards a culture of peace" and "a culture of peace and non-violence promotes respect for life and dignity of every human being without prejudice or discrimination of any kind". Pax Christi International holds that every human being has the right to those things necessary to human life and dignity, including food and necessary medicines. We further hold that all parents have the right to ensure that their children can grow up with hope for the future.

2. Pax Christi International refers to the Charter of the United Nations where economic sanctions are regarded as a legitimate instrument of the Security Council while at the same time the Charter directs the Security Council to act in accordance with the principles and purposes of the Charter, among them the promotion of human rights. The Geneva Conventions are an important legal framework as well. Therefore, Pax Christi International requests with great urgency that the United Nations Commission for Human Rights consider and take action to amend the application of economic sanctions which unfairly target civilian populations. These types of sanctions can violate human rights and can serve as a silent killer if they deprive civilians of access to the means of subsistence necessary for life.

3. The United States bishops proposed in their 1993 pastoral letter, "The Harvest of Justice is Sown in Peace", the following criteria, which are supported by Pax Christi International, to evaluate the moral dimension of comprehensive sanctions: "Comprehensive sanctions may be considered only in response to aggression or grave and ongoing injustice after less coercive measures have been tried and with clear and reasonable conditions set for their removal. ... The harm caused by sanctions should be proportionate to the good likely to be achieved; sanctions should avoid grave and irreversible harm to the civilian population. Therefore, sanctions should be targeted as much as possible against those directly responsible. ... Selective sanctions which target offending individuals and institutions are usually preferable ... to complete embargoes. Embargoes, when employed, must make provision for the fundamental human needs of the civilian population. The denial of basic needs may not be used as a weapon. ... The consent to sanctions by substantial portions of the affected population is morally relevant. ... Sanctions should always be part of a broader process of diplomacy aimed at finding an effective political solution to the injustice."

4. In further elaborating on this approach, we believe the following areas are in need of immediate review:

(a) Early warnings and conflict prevention should come before economic sanctions. Non-violent actions from inside should be supported before, during and after a crisis. This could be a real instrument for change;

(b) In line with the United Nations principles on last resort and just authority, Pax Christi International stated earlier that the morality of the use of sanctions depends on who and how the decision is made and implemented: a decision to use sanctions should preferably be

made by the United Nations based on United Nations-signalled aggression, or grave and ongoing injustice, and implemented and evaluated by the United Nations. The International Criminal Court could play a central role here;

(c) Sanctions cannot be applied against a country for an undetermined amount of time. To do so risks severe harm to the civilian population, especially when the Government concerned does not cooperate with the United Nations in applying the sanctions, as we have seen in Iraq. When sanctions are applied, they need to have a time limit after which they will be reviewed. Sanctions would only be allowed to continue pending a formal vote after the results of a review have been considered;

(d) A minimum standard of living must be determined as one of the criterion for evaluating the effects of sanctions. Sanctions must not condemn civil society to live below subsistence level for a prolonged period of time. There is a need to develop a minimum standard of living which is higher than mere survival;

(e) There must be an option for providing humanitarian relief to civilians in countries where sanctions are being applied. If it is determined that the health and nutrition of civilians is being harmed by sanctions and the sanctions are allowed to continue, humanitarian relief must be provided. The humanitarian exemption also needs a mechanism to ensure that the suffering population, such as in Iraq, indeed has access to relief;

(f) Civilians from the country against which sanctions may be applied must be consulted before a decision to impose sanctions is made. Sanctions are not likely to be effective without the consent of civilians. In Iraq, many civilians cry out repeatedly for an end to sanctions and that they are a failed policy. In South Africa, sanctions were effective in large part because of the supportive efforts initiated by civilians in that country. The voice of the common people must be taken into consideration, it is not enough to listen only to the voices of the elite, who are usually not severely harmed by sanctions. A process for receiving input from the common people needs to be established. Consideration of the voices of common people must also be a part of the process of reviewing sanctions after they are imposed;

(g) The use of selective sanctions (financial restrictions such as freezing of loans and assets in foreign banks) must take priority over the use of comprehensive sanctions. Selective sanctions are strategically designed to target government officials and other elites rather than the civilian population. Studies show that selective sanctions are much more effective than comprehensive sanctions. In addition, the threat of widespread civilian suffering is reduced significantly when selective sanctions are used;

(h) The effects of sanctions on neighbouring countries, such as in the wider Balkan region, and their suffering peoples should also be taken into consideration. The control and compensation of damage for neighbouring countries is an important factor and an obligation for the international community;

(i) The international community has a duty or responsibility also after the sanctions, in the field of reconstruction and recovery, for example;

(j) A process for reviewing the effects of the sanctions in light of the purposes and principles of the Charter needs to be established. This review must consider: (a) if the original goals of the sanctions have been met; and (b) the consequences which the sanctions have had on the civilian population of the country being targeted;

(k) An independent monitoring body must be established to conduct a review of the effect of sanctions. The fact that Denis Halliday, former United Nations Humanitarian Relief Coordinator, needed to resign his position with the United Nations before he could speak freely about the effects of the sanctions in Iraq is a clear example of the need for an independent monitoring body. Such a body should be comprised of members of NGOs, doctors who can evaluate the health of civilians living amid sanctions, and civilians from the country being targeted.

5. The very real example of the devastating effects of economic sanctions in Iraq points to the urgent need for the Commission on Human Rights to evaluate thoroughly the ways in which economic sanctions are utilized. Chapter VII of the Charter allows for economic sanctions but fails to regulate them in any way. It is imperative that regulations be developed to guide the implementation of sanctions. Without the development of such regulations, there is nothing to prevent sanctions which are implemented as tools of diplomacy from becoming weapons of mass destruction.

6. We urge the Commission on Human Rights to do everything in its power to ensure that a thorough review is given to the use of sanctions, addressing the different areas that we have identified above.

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Fifty-sixth session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement* submitted by the Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 January 2000]

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* This written statement is issued, unedited, as received from the submitting non-governmental organization.

GE.00-10833 (E)

External debt: a conditioning factor in the development of impoverished countries and a violation of the fundamental rights of their citizens

In this millennium now ending, the external debt of what is referred to as the third world has become, due to its enormous volume and the speed with which it is growing, one of the main obstacles to the human development of the poorest countries on the planet.

This debt of doubtful legitimacy and immoral repayment conditions, which undermines the sovereignty and self-government of debtor countries, and for which the creditor countries and their financial institutions have already been economically compensated, is a debt which ultimately in many cases is mathematically unpayable although the cost of writing it off would be absurdly low for the first world.

The external debt is therefore a violation of the right of the citizens of debtor countries to live a life of dignity as they watch their Governments being forced to divert to debt-servicing resources which should be invested in basic social sectors.

The external debt has at the same time become the most dramatic expression of the permanent state of subordination endured by the economies of the nations of the South in an international economic context of globalization.

Taking a correct approach to tackling the problem of the debt requires not only understanding it as a financial issue but above all seeing it as a determining factor in the conditions in which thousands of millions of poverty-stricken human beings live and in their development.

It is increasingly clear that the individual must become the centre of the economy; this means that, for modern States, investing in individuals should become a moral imperative.

To date, the international financial institutions and the community of creditors have imposed macroeconomic solutions on the problem of the external debt; these have not been effective in a single case and their social cost has been extremely heavy in the indebted countries.

A timid change of attitude can be perceived nevertheless, doubtless as a result of the pressure of civil society which, in various national and international campaigns emerging as a knock-on effect of the Jubilee 2000 Campaign, demands debt forgiveness to the extent of writing off a substantial portion and a new approach to dealing with it in the future.

As regards the creditors, it is beginning to be understood that the growth of the economies of the indebted countries is necessary but is clearly insufficient to eradicate poverty and that social and structural aspects must be given precedence over macroeconomic and financial issues.

This means that unless there is a change in approach, and unless the first step is to write off a substantial portion of the debt, there will be no hope of improvement in the long-term development of the indebted countries. In fact, it is in the hands of the creditors that the

possibility of promoting or curbing development and of improving the living conditions of many millions of people is being placed. A step forward would constitute unprecedented progress in international cooperation, but a false move or too timid an advance would mean for the rich countries an inescapable responsibility in the perpetuation of the poverty of hundreds of millions of people in the third world.

The cost of not taking another approach to the problem of external debt can be measured not in millions of dollars but in millions of human beings who will remain illiterate, in millions of deaths for lack of health care or in the under-nourishment of millions of individuals.

In keeping with the sentiments of civil society, which has declared that the debt is unjust and immoral and that it feels ashamed to demand money from countries living in extreme poverty, the Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos - España, welcoming and endorsing the foregoing, addresses itself to the United Nations Commission on Human Rights and:

Demands a new approach to the problem of the external debt based on the individual and respect for his inviolable rights, the fundamental objective of which will be to combat poverty in the world,

Urges the Governments of creditor countries and the multilateral financial institutions

To cancel immediately and in full the debt of the 50 poorest and most heavily indebted countries in the world;

To undertake bilateral action to write off the debt of middle-income countries, with particular attention to the level of indebtedness, development and population below the poverty line;

To develop wide-ranging and stable programmes of debt-conversion for human development, tying the resources released by the reduction of the debt to investment in programmes for the eradication of poverty;

Requests the Commission to encourage:

The reform of IMF, which has become a source of problems rather than solutions, incapable of handling even financial globalization;

The establishment of a Debtors' Club to conduct negotiations both with the multilateral bodies and with the London and Paris Clubs;

Consultation by the United Nations of the International Court of Justice in The Hague as to the obligation to pay in cases of extreme need, the legitimacy of interest rates and the conditions of the debt, as well as the application of article 38 of the Statute of the Court in respect of good faith, equality, fundamental changes in circumstances and the prohibition of usury (as general principles of law);

The participation of civil society, particularly of the most heavily indebted countries, so that they will be active subjects in the process of debt reduction;

Urges the Commission to follow with attention:

The reform which has been undertaken of the HIPC (Heavily Indebted Poor Countries) initiative to make it more flexible, broader-based, more rapid and more generous;

Future processes of indebtedness and the role in them of the multilateral financial institutions and the international community so as to ensure that poor countries will have access to funds for their development without having to lose their sovereignty or be subjected to structural adjustment plans which are not fundamentally intended for the combat to eradicate poverty and to give priority to sustainable human development.

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CIVIL AND POLITICAL RIGHTS

Written statement submitted by the Federation of Associations for the Defence and Promotion of Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 January 2000]

GE.00-10763 (E)

Murder of Íñigo Eguiluz, Spanish voluntary worker, and Jorge Luis Mazo, a Colombian priest, in Chocó, Colombia

1. At 9.30 p.m. on 18 November 1999, a boat belonging to the Spanish non-governmental organization Paz y Tercer Mundo - Hirugarren Mundua Ta Bakea was sailing along the river Atrato towards the city of Quibdó, the capital of the Colombian department of Chocó. The boat was carrying the representative of the above-mentioned Spanish NGO and four members of the Quibdó diocese, who were returning after spending a few days on a mission working with displaced communities or in communities under serious threat of displacement. Also in the boat were a fisherman, a woman and three children who had no connection with the mission but had asked to be taken to Quibdó.

2. Just as the boat was reaching the centre of the city and preparing to moor alongside the Quibdó diocese building, a fast motor boat or "panga" with two 200-horse-power engines suddenly arrived from behind the government building and violently rammed the NGO boat. As a result of this attack, Íñigo Eguiluz, aged 24 and representative of Paz y Tercer Mundo, and Jorge Luis Mazo, aged 32 and parish priest in Bellavista, were thrown into the water. The other eight people travelling in the boat were able to avoid drowning by clinging on to empty oil drums and thanks to the rapid rescue efforts of residents of the Kennedy district. The motor boat sped away downstream.

3. Íñigo and Jorge Luis were found dead in the river three days later.

4. The boat that was attacked was well known in the area, was 18 metres in length and carried the painted logos of the European Union and Paz y Tercer Mundo. Visibility was good at the time of the attack, thanks to the city lights.

5. According to reports from Quibdó diocese, the attacking motor boat was known in the area as a vessel used by the paramilitary group which has its headquarters just 300 metres from the police station in Vigía del Fuerte. On the day of the attack, the motor boat had carried illegally armed persons and sailed around the rear of the government building, from which it carried out the attack.

6. Immediately after the attack, members of the diocese telephoned the police to report what had happened. A police motor boat went out on the river and spent less than half an hour there. Except for this minimal presence, neither the police nor the army participated in the search for and recovery of the bodies. The search and rescue efforts continued that night until 3 a.m. and lasted a further three days. That same night members of the diocese told the police that the attacking motor boat had travelled downstream, probably to Vigía del Fuerte, and that before reaching its destination, it would have to pass two police stations situated on the river bank at Bellavista and Vigía del Fuerte. The motor boat, with six armed men, spent the night on the river and in the morning it was still able to stop members of the local population, including two Augustinian nuns from the parish of Bellavista who, on learning the news, were travelling upriver to take part in the rescue efforts and saw the motor boat, which had a damaged engine and other signs of the impact. The motor boat passed the two police stations completely unnoticed at about 11 a.m. on 19 November.

7. The members of the mission had been instructed to prepare a report on the humanitarian situation of the communities on the middle reaches of the Atrato after the flooding of the previous days. The report was prepared as part of the activities of the humanitarian assistance project ECHO/COL/210/1999/02012, financed by the Humanitarian Office of the European Community, for which the two victims were working, Iñigo as coordinator and Jorge Luis as logistics specialist. Under this project the communities under serious threat of displacement on the central Atrato were receiving protection and preparations were being made for the return of a number of community members who had been displaced by the paramilitaries.

8. Some weeks before, the same team had taken a group of journalists to the area in order to show them at first hand the situation of the communities under serious threat of displacement, and the pressure and restrictions to which they are being subjected by the paramilitary groups. A few days after the Colombian and Spanish media had published reports on the visit, Carlos Castaño, the supreme leader of these groups, had written a communiqué in which he called on the Church to "rectify this disturbing situation, since only in that way would it stop us from rectifying it" (31 October).

9. The illegal presence of the permanent paramilitary checkpoint in the village of Vigía del Fuerte had been reported on numerous occasions by the Quibdó diocese, by the grass-roots organizations in the area, by Paz y Tercer Mundo and by various observer and escort missions set up by national and international non-governmental and church organizations, and even members of embassies, such as the Spanish or Austrian embassies, and by members of international organizations such as the Colombia office of the High Commissioner for Human Rights. However, even though this checkpoint had been in place continuously for two and half years just 300 metres from the police station in Vigía del Fuerte, as already mentioned, the regional authorities always replied by saying they were unaware of its existence, which has been testified to by the independent missions that have travelled to the region.

10. Despite the fact that the checkpoint is openly manned by people who have murdered defenceless peasants and carried out controls on the river, subjecting the communities to a shortage of supplies, during these two and a half years the civil and military authorities have taken no measure to protect the civilian population from these actions. In fact, there is a wealth of testimony to the existence of links between the people manning the checkpoint and members of the nearby police station.

11. On the day after the attack, one of the people on board the rammed boat, a member of the Quibdó diocese, lodged a complaint with the Quibdó Public Prosecutor's Office. After the deaths of Iñigo and Jorge Luis had been confirmed, the case was transferred from that Office to the Human Rights Unit of the Attorney General's Office in Bogotá, where it is currently being dealt with. On 24 November, a wooden boat (not the boat which carried out the attack) with nine paramilitaries on board was stopped at the mouth of the river Neguá near the Las Mercedes community. Of these nine people, two were initially charged in connection with the attack on 18 November. Some of the detainees are presumed to be serving members of the armed forces.

12. Two days after this incident, the paramilitaries arrived at the above-mentioned community of Las Mercedes and there, in retaliation, they threatened to ransack the community

and kill anyone left in it. The threats were reported to the Colombia Office of the High Commissioner for Human Rights. The 500 inhabitants of Las Mercedes had to travel to Quibdó, where they joined the list of over 5,000 displaced persons with whom Iñigo and Jorge Luis had been working.

13. On 1 December, a navy vessel arrived in Vigia del Fuerte, and on the same day a gunfight broke out between the navy and a group of paramilitaries at the mouth of the river Murri. The navy captured the motor boat in which the paramilitaries were travelling, but the latter dived into the water and escaped. On 3 December, the navy captured Jimmy Matute Palma, a paramilitary who, according to witnesses, had been piloting the motor boat on the day of the attack. On 5 December, this man was imprisoned in Quibdó, the captured motor boat was placed at the disposal of the Public Prosecutor's Office and identified as the one used to carry out the attack.

14. Iñigo's family, the Quibdó diocese and the Paz y Tercer Mundo organization have given powers of attorney to the lawyer Mr. Jorge Eliecer Molano to represent them in private prosecution proceedings.

15. In these circumstances, the Federation of Associations for the Defence and Promotion of Human Rights - Spain, accepting and endorsing the complaint by Paz y Tercer Mundo - Hirugarren Mundua ta Bakea to the United Nations Commission on Human Rights,

Denounces the above-mentioned events, given that they should be considered not as an isolated or incidental criminal attack, but as a further episode in the long chain of murders, threats and displacements caused by a paramilitary displacement and looting project on the Atrato, which has been made possible during the past two and a half years by the negligence, not to say connivance or collaboration, of certain civilian and military authorities;

Expresses its concern at the lack of guarantees which would permit the development of a fair and impartial judicial procedure, leading to the prosecution of the material perpetrators and instigators of the attack, and the clarification of the political, criminal and administrative responsibilities which were incurred as a result of any negligence or collaboration on the part of public servants;

Calls on the Commission to request the Colombian Government urgently to adopt effective measures to ensure the safety of those participating in the proceedings and of the communities in the area who are defenceless in the face of the actions of the paramilitary groups;

Requests the Commission to urge the Colombian Government to dismantle the paramilitary checkpoint at Vigia del Fuerte and to effectively prosecute the paramilitary groups, investigating any links between them and public servants;

Urges the Commission to carefully monitor the development of the paramilitary phenomenon in Colombia and concern itself with its international sources of financing.